

Decision No. 79629

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the County of Los Angeles for a public
grade crossing at Lyons Avenue over the
Valley Line (B) of the Southern Pacific
Transportation Company, in the Community
of Newhall

)
Application No. 52371
(Filed December 22, 1970)

Ronald L. Schneider, Attorney at Law,
for the County of Los Angeles,
applicant.

William E. Still, Attorney at Law, for
Southern Pacific Transportation
Company, respondent and cross-
applicant.

George W. Miley, Attorney at Law, for
the Department of Public Works, State
of California, interested party.

Bob Wilke, for himself, interested
party.

Fred P. Hughes and John P. Ukleja, for
the Commission's staff.

O P I N I O N

The County of Los Angeles (County) seeks authority to extend Lyons Avenue, in the community of Newhall, at grade across the tracks of the Southern Pacific Transportation Company (SP Co.).

By cross-application filed May 18, 1971, the SP Co. asks that any order authorizing the sought extension of Lyons Avenue be conditioned upon the closure of a present crossing of its tracks at 13th Street, about .2 mile northerly from the proposed crossing.^{1/}

^{1/} The 13th Street crossing is the nearest crossing to the north of the proposed crossing. The nearest crossing to the south is that at Market Street, .25 miles south of Lyons Avenue.

Public hearings on the application were held before Examiner Abernathy on April 19, 1971, at Los Angeles and on August 10, 1971, at Newhall. Evidence was presented by 7 witnesses who appeared variously on behalf of the County Road Department, the SP Co., owners of property and businesses in the vicinity of the 13th Street crossing, and the Commission's staff.

The showing which was presented on behalf of the County is substantially as follows:

The proposed extension of Lyons Avenue is a link in a major highway which the County is undertaking to construct between the Golden State Freeway, to the west of Newhall, and the Antelope Valley Freeway, to the east.

Ultimately said highway will be part of a 49-mile connection between the Newhall area and recreational areas in the Angeles National Forest.

The project which is encompassed in the immediate extension of Lyons Avenue consists of the construction of approximately 3,600 feet of major highway on Lyons Avenue from Newhall Avenue on the west side of the SP Co.'s tracks to Placerita Canyon Road at Aden Avenue on the east side of said tracks. The project also includes the construction of a portion of Emberbrook Drive, east of the tracks, from Lyons Avenue northerly for a distance of about 700 feet to connect with Arch Street, which serves the 13th Street area. With respect to the actual crossing of the SP Co.'s tracks, Lyons Avenue would be extended at grade over a main line track and over a passing track. The crossing over a third track, a spur track which is now in the same area, would be obviated by the relocation of the switch serving the spur track to a point south of the crossing. The width of the extension of Lyons Avenue would be 84 feet, between curbs, within a right of way 100 feet wide. Estimated cost of the entire project is about \$700,000.

As alternatives to extension of Lyons Avenue at grade across the SP Co.'s tracks, the County also gave consideration to extension of Lyons Avenue over the SP Co.'s tracks at separated grade. Estimated cost of a highway overpass is 3.1 million dollars and of a highway underpass, 2.3 million dollars. In the opinion of the County neither an overpass nor an underpass is economically feasible at the present time. Other alternatives which the County also considered were the utilization of either the present 13th Street or Market Street crossings as the crossing for the major highway involved herein. Because of environmental and highway alignment considerations, however, these crossings were deemed less suitable than that which is proposed for Lyons Avenue.

Expected usage of the Lyons Avenue crossing is as follows:

<u>Year</u>	<u>Average Daily Traffic (No. of vehicles)</u>
1972	7,000
1977	10,000
1982	13,000

These estimates assume that the present crossing of 13th Street would be retained. However, if the 13th Street crossing is closed concurrently with the opening of the Lyons Avenue crossing, as advocated by SP Co., the estimated usage of the Lyons Avenue crossing is as follows:

<u>Year</u>	<u>Average Daily Traffic (No. of vehicles)</u>
1972	9,000
1977	12,000 to 13,000
1982	16,000

Estimated capacity of the Lyons Avenue crossing is about 30,000 vehicles per day. Hence, it appears that the crossing would have sufficient capacity to carry all of the present and expected traffic for the coming decade or more, including that which would be diverted to it were the 13th Street crossing closed. Nevertheless, the County recommended that the 13th Street crossing be retained for a period of 5 years after opening of the Lyons Avenue crossing. The retention of the 13th Street crossing was recommended in order to afford commercial and industrial concerns located in the 13th Street area east of the SP Co.'s tracks opportunity to adjust to the reduced accessibility to the Newhall area west of the tracks which would follow from closure of the crossing.^{2/} Assertedly, the hazards to the motoring public and to the railroad operations of the SP Co. that would result from continuance of the 13th Street crossing as another crossing in the same immediate area would not be materially increased, if at all, over those which would apply were the crossing closed and present users thereof required, as a consequence, to use the Lyons Avenue crossing in the alternative.

With respect to the protection which should be provided in connection with the proposed crossing, the County recommended that the crossing be protected by No. 8 flashing light signals, augmented by gate arms, which would be mounted on median strips of Lyons Avenue as well as along the sides thereof.

^{2/} The route of travel via the Lyons Avenue crossing from a point in the vicinity of 13th Street and east of the SP tracks to a point in the same area west of the tracks, or vice versa, would be about .5 mile more distant than that via the 13th Street crossing.

Under the County's proposals, all costs incurred in the construction of the Lyons Avenue crossing, including the relocation of the switch involved, would be borne by the County.

The presentation which was made on behalf of the SP Co. in response to that of the County was directed primarily to the question of whether the 13th Street crossing should be closed concurrently with the opening of a crossing at Lyons Avenue. On this point the company's witness, a public projects engineer, said that studies which the company has made show that the number of accidents at grade crossings increase as the number of crossings increase. Moreover, crossing maintenance costs also increase with increases in the number of crossings. In view of these circumstances and also of the expected volume of traffic over the 13th Street crossing, the witness said that it would be logical to close said crossing with the opening of a crossing at Lyons Avenue. He said, however, that he would have no objection were the Commission to adopt the County's recommendation that the 13th Street crossing be permitted to remain open for a period of five years after the opening of a crossing at Lyons Avenue.

Regarding the County's construction plans for the Lyons Avenue crossing, the SP Co.'s witness said that they appear practical, adequate and consistent with good engineering practice. He concurred also with County's recommendations concerning the measures which should be taken for the protection of the crossing.

The witness who appeared on behalf of owners of businesses in the vicinity of the 13th Street crossing presented a petition bearing the names of 29 signatories thereof opposing closure of said crossing. According to the petition, the closure of the crossing would leave some of the businessmen with practically no access to their businesses, thereby forcing them to

discontinue operations. In a separate statement the witness urged retention of the crossing until completion of a project, designated as the East Newhall By-pass, which would provide alternate access to the affected area east of the SP Co.'s tracks.^{3/}

The presentation which was made on behalf of the Commission's staff consisted mainly of an exhibit containing an analysis by a staff engineer of the proposals in issue herein and the engineer's recommendations thereon. The exhibit describes the proposed Lyons Avenue crossing in considerable detail and also the existing crossings at 13th Street and Market Street. Regarding the Lyons Avenue crossing the exhibit states that,

"This crossing would provide a reasonable alignment of a major highway through the area. It would also provide a more reasonable manner of crossing the railroad than the adjacent two crossings."

The exhibit recommends that the crossing of Lyons Avenue be authorized. It also recommends that the 13th Street crossing be closed with the opening of the Lyons Avenue crossing.

^{3/} It appears that the East Newhall By-pass is a planned highway project which, when completed, will enable traffic emanating from, or destined to, Antelope Valley and passing through Newhall from or to points beyond to skirt the central Newhall area. The planned route of the by-pass, insofar as the 13th Street area involved herein is concerned, is generally along the east side of the SP Co.'s tracks from the Lyons Avenue extension northward to a highway to be known as Wiley Canyon Road, and to points beyond. The extension of Emberbrook Drive which the County is proposing in order to provide access between the 13th Street area and Lyons Avenue would be part of the by-pass.

Regarding the crossing at Lyons Avenue, the exhibit states that the County should consider effecting the crossing by a grade separation structure. It states that the future motor vehicle traffic, train traffic, motor vehicle speed and ultimate safety are the major considerations warranting a grade separation.

With reference to the protection to be provided at the Lyons Avenue crossing, the exhibit states that said protection should consist of four flashing light signals with automatic gates plus two 12-inch diameter flashing light signals mounted on cantilevered mast arms.

Discussion

This is a proceeding which has been prompted by an undertaking of the County of Los Angeles to improve the system of public highways between the Newhall area and the Antelope Valley area. The proposed improvements entail a crossing of the tracks of the SP Co. Clearly, such crossing should be effected in order that the public may realize the full benefits of the highway improvements which the County is undertaking. We find that public convenience and necessity require the establishment of such crossing. On the basis of the evidence that the location of the crossing at Lyons Avenue would provide better alignment of the highway involved, and would have less detrimental effect, from an environmental standpoint, than would alternative crossings at either 13th Street or Market Street, we also find that the crossing should be located at, and established as an extension of, Lyons Avenue.

The County's proposal to establish the crossing at grade necessitates consideration of the hazards involved, inasmuch as experience shows that crossings at grade are inherently more hazardous to highway and railroad traffic alike

than are crossings at other than grade, particularly in instances as this where the crossing is one of a major highway over the main line of a major railroad. The justification which the County has offered as basis for the crossing at grade, namely, that a grade separation is not economically feasible at this time, must be viewed as being tendered primarily in light of expectations that for some years initially after the opening of the crossing the volume of highway traffic over the crossing will be relatively small; that such hazards as those which vary with the volume of traffic will be correspondingly small, and that in terms of the volume of traffic carried, the highway will not immediately assume the rank of a major traffic artery.^{4/} In these circumstances we accept the County's representations that the opening of the crossing at grade is warranted.

^{4/} Present train traffic along the tracks of the SP Co. in the area involved is about 15 to 20 trains a day. Some other of the factors bearing on the hazards of the crossing as a grade crossing are as follows:

Sight Distance, 150
Feet from Crossing:

Northwest quadrant	335 feet
Northeast quadrant	680 feet
Southeast quadrant	450 feet
Southwest quadrant	120 feet

Grades of Highway
Approaches to Crossing:

Eastbound	+ 3%
Westbound	- 1%

Grade of Track (descending toward north)	.6861%
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Track alignment	Tangent
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Angle of crossing	90°
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Nevertheless, we cannot be oblivious to evidence in this matter which indicates that the Newhall area is a rapidly growing area; that that part of the area east of the SP Co.'s tracks will be developed substantially, and that the linking of the area by a through thoroughfare to the Antelope Valley and to other areas will bring considerable through traffic to the Newhall area. Hence, the circumstances which warrant the opening of a crossing at Lyons Avenue at grade must be regarded as temporary. We are of the opinion that when the expected developments of the area occur and when the Lyons Avenue extension becomes a major highway in fact by reason of increased traffic, the crossing at grade should be replaced by a structure providing a separation of grades.

In order that timely recognition may be accorded to changes in circumstances which would require action toward the establishment of a grade separation, the County should make periodic surveys of the factors bearing upon the public's safety in the use of the crossing at Lyons Avenue at grade and to report the results of its surveys to the Commission. Our order herein will be conditioned accordingly.

Our findings hereinabove concerning the need for the proposed crossing at grade at Lyons Avenue have been premised upon an assumption that said crossing will be superseded by a grade separation when such separation is subsequently required by safety considerations. Bearing on this premise, however, is a matter not mentioned previously herein, namely, an assertion by the County that a grade separation structure at Lyons Avenue would not be environmentally acceptable either at this time or in the foreseeable future. The County's position in this regard, if extended to its indicated conclusion, would foreclose the construction of a grade separation in the future, no matter how compelling the need therefor to overcome hazards of the crossing at grade.

If environmental considerations at the Lyons Avenue location are to preclude a grade separation that may become necessary to preserve the lives and property of users of a crossing at that point, it appears that the County may wish to reconsider the proposed crossing and undertake to establish the crossing at a site where environmental considerations will not compromise an action necessary to the public's safety. If the County concludes to proceed at this time on the authority hereinafter granted and to open a crossing at grade as proposed at Lyons Avenue, it should file an acceptable disclaimer that it will not interpose objection on environmental grounds to a subsequent separation of the grades involved by an appropriate grade separation structure when required by public convenience and safety.

With reference to the protection which should be provided in connection with the proposed grade crossing, we are of the view that the nature of the crossing requires a greater level of protection than that recommended either by the County or by the SP Co. The protection should be that which was recommended by the Commission engineer. In addition advance warning signs should be provided along the highway approaches.

Public convenience and necessity require the retention of the crossing at 13th Street (a) until other means of access are provided to and from the 13th Street area east of the SP Co.'s tracks and (b) for a period thereafter to permit that part of the Newhall community most immediately concerned reasonable opportunity to adjust to the alternative route via Lyons Avenue. In the circumstances the request of the SP Co. for closure of the 13th Street crossing with the opening of a crossing at Lyons Avenue appears premature. The request should be denied.

Findings:

1. Lyons Avenue, in the community of Newhall, is being developed by the County of Los Angeles as a link of a major highway which will extend from the Golden State Freeway, to the west, to the Antelope Valley Freeway to the east. Connecting roads will lead from said highway to recreational areas in the Angeles National Forest.
2. The construction of said highway requires a crossing of the main line of the Valley Line (E) of the SP Co.
3. The location of the crossing as an extension of Lyons Avenue would result in a better alignment of the highway and would result in lesser disruption to the central Newhall area than would location of the crossing at adjacent crossings at 13th Street or Market Street.
4. Design capacity of the crossing at Lyons Avenue is 30,000 cars per day.
5. Estimated average daily traffic along the highway over the crossing is as follows:

<u>Year</u>	<u>No. of Vehicles</u>	
	<u>(1)</u>	<u>(2)</u>
1972	7,000	9,000
1977	10,000	12,000 to 13,000
1982	13,000	16,000

(1) Based on retention of 13th Street crossing.

(2) Based on closure of 13th Street crossing.

6. Present train traffic along the SP Co.'s tracks in the crossing area is about 15 to 20 trains per day.
7. Public convenience and necessity require that a crossing as proposed by the County of Los Angeles in this matter be established as an extension of Lyons Avenue over the tracks of the SP Co. in the community of Newhall.

8. Public convenience and safety require that the crossing be protected by flashing light signals, automatic gate arms, and advance highway signs as hereinafter specified.
9. The construction and maintenance costs of the crossing, including the protection thereof, should be apportioned between the County and the SP Co. as hereinafter specified.
10. Retention of the 13th Street crossing, until otherwise ordered by the Commission, is required by public convenience and necessity.

Conclusions:

The application of the County of Los Angeles in this proceeding for authority to establish a crossing of Lyons Avenue in the community of Newhall over the railroad tracks of the Southern Pacific Transportation Company should be granted, subject to the conditions hereinafter specified.

The cross-application of the Southern Pacific Transportation Company for closure of the 13th Street crossing with the opening of a crossing at Lyons Avenue should be denied.

O R D E R

IT IS ORDERED that:

1. The County of Los Angeles is authorized to construct a highway crossing at grade over the tracks of the Valley Line (B) of the Southern Pacific Transportation Company in the community of Newhall at the location and in accordance with the terms, plans and provisions set forth in Exhibits "A" and "B" attached to the application of the County of Los Angeles in this proceeding, which exhibits by this reference are made a part hereof. Said crossing is to be identified as Crossing No. B-452.7.

2. Construction of said crossing shall be equal or superior to that prescribed as Standard No. 2 in General Order No. 72. There shall be installed at the crossing (a) two 12-inch-diameter flashing light signals mounted on cantilevered mast arms and (b) four Standard No. 8 flashing light signals (General Order No. 75-B). Two of the Standard No. 8 signals shall be placed at the edge of the pavement and two shall be placed on median islands, one on each side of the crossing. Said signals shall be supplemented by automatic crossing gates. Backlights may be omitted on the signals placed on the medians. There shall also be installed or provided advance warning signs and double clearance and railroad RRR pavement markings.

3. The County shall bear 100 percent of all construction costs of the crossing and approaches and the maintenance costs of the crossing outside of lines two feet outside the rails.

4. The Southern Pacific Transportation Company shall bear 100 percent of the maintenance costs of the crossing within lines two feet outside of outside rails.

5. The cost of installing and of maintaining the grade crossing protection shall be borne by the County of Los Angeles pursuant to and in accordance with Section 1202.2 of the Public Utilities Code.

6. The authority which is granted by Paragraph 1 above is subject to the following conditions:

- a. The County of Los Angeles shall file with the Commission an appropriate disclaimer that it will not interpose objection on environmental grounds to the construction of a grade separation structure (as may be subsequently determined to be required by public convenience and safety) to supersede the grade crossing at Lyons Avenue which is herein authorized.

b. Five years after the date that the grade crossing which is herein authorized is opened to public use, and annually thereafter, the County of Los Angeles shall conduct a survey of principal factors pertaining to the safety of the crossing for highway and railroad users thereof alike. Said survey shall develop information with respect to the following matters (but shall not necessarily be limited to said matters):

- (1) Highway vehicular traffic count, taken at 60-minute intervals over a 24-hour representative period.
- (2) Railroad train traffic count, taken at 60-minute intervals over a 24-hour representative period; trains to be identified by type, e.g., passenger, through freight, local freight or switching.
- (3) Count of crossing blockages, exceeding 5 minutes duration, within a 24-hour representative period.
- (4) Count of accidents at crossing and within 200 feet of nearest track during previous 6-month period, together with an analysis of said accidents by injury, point of impact, whether involving train, pedestrian, fixed object, rear-end of other vehicle, etc.
- (5) Circumstances which may reasonably be expected to result in a material increase in the usage of the crossing within the ensuing five years, together with estimates of the numerical volume of said usage increase.

The results of each survey shall be communicated to the Commission within thirty days after survey completion.

7. The authority which is granted by the above Paragraph 1 of this order may not be exercised until the County of Los Angeles has first filed with the Commission its acceptance of the conditions set forth in the above Paragraph 6.

8. Within thirty days after completion of the work herein authorized, the County of Los Angeles and the Southern Pacific Transportation Company shall each notify the Commission in writing that said work has been completed.

9. All crossing protection specified in this order shall be fully installed, completed, and placed in operable condition before the crossing is opened to the public.

10. The work herein specified is to be completed within one year after the effective date of this order unless an extension of time is granted by further order of the Commission.

11. The cross-application of the Southern Pacific Transportation Company for closure of the 13th Street crossing with opening of a crossing at Lyons Avenue is denied.

12. Clearances shall conform to General Order No. 26-D. Within the area of the grade crossing construction, walkways for a distance of 6 feet from the rail on both sides of the track shall provide a reasonable regular surface with gradual slope not to exceed 1 inch vertical to 8 inch horizontal in all directions of approach in accordance with the provisions of General Order No. 118.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25th
day of JANUARY, 1972.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners