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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the CITY OF LOS ANGELES, a
municipal corporation, to construct
MINDANAO WAY at grade across the
tracks of the Southern Pacific
Transportation Company's Inglewood
Branch Line.

Application No. 52819
(Filed August 20, 1971)

Roger Arnebergh, City Attorney, by Charles E. Mattson and Frank Wagner, Deputy City Attorneys, and Leslie E. Corkill, for applicant.
William E. Still and Alan L. Freedman, Attorneys at Law, for Southern Pacific Transportation Company, respondent.
John F. Reed, Attorney at Law, for Villa Marina Council; and Chester Pierce, for Villa Marina Council and Villa Sestri Condominium; protestants.
David L. Levy, Attorney at Law, Richard Barclay and William A. Law, for Barclay Hollander Curci, Inc.; and Robert Leslie, for Marina del Rey Lessees Association and Marina del Rey Chamber of Commerce; interested parties.
Joan P. Ukleja, for the Commission staff.

O P I N I O N

This application requests that the City of Los Angeles be authorized to open Mindanao Way at grade as a public crossing, with an improved roadway of 66 feet and a total width of 86 feet. Mindanao Way is two blocks long and extends in a north-south direction. The street is blocked at its northerly end where it abuts the railroad right of way. The tracks are laid so as to form a right angle with Mindanao Way. Just north of the railroad right of way is a four-lane divided highway which carries traffic moving along the coast in either direction. The southern end of Mindanao Way crosses Lincoln Boulevard one block from a large marina and the Santa Monica Waterfront. Lincoln Boulevard is a busy street which

parallels the coast and provides the principal access to the beaches in the area. The land to the north of the railroad right of way is vacant and is currently classified as "light industrial". An effort is presently under way to rezone a portion of this area to permit the construction of condominium-type multiple dwellings.

A public hearing was held on June 1, 1972, in Los Angeles, before Examiner Fraser. The City of Los Angeles, Southern Pacific Transportation Company and Barclay Hollander Curci, Inc., were represented by counsel. The Department of Public Utilities and Transportation of the City of Los Angeles and the Public Utilities Commission staff were represented by staff engineers. A stipulation was accepted by all parties and filed herein as Exhibit No. 1. The application was then submitted on the stipulation.

A telegram received on August 3, 1972 alleged that nearby residents had not been informed of the June hearing and requested that the residents be authorized to present additional evidence. Submission was set aside (Decision No. 80423, dated August 29, 1972, in Application No. 52819) and a further hearing scheduled on September 11, 1972, in Santa Monica. During the latter hearing the local residents were represented as the Villa Marina Council which opposed the crossing. Local boat owners and lessees were represented as the Marina del Rey Lessees Association and the Marina del Rey Chamber of Commerce, which were in favor of opening the crossing. Counsel for the home owners stated briefly that extension of Mindanao Way over the railroad right of way will substantially increase traffic flow through the nearby residential area and also increase traffic noise, which is already a serious problem. The lessee and chamber of commerce representative placed two resolutions in evidence which supported the application. The resolutions were passed by the directors of the Marina del Rey Lessees Association and by the Marina del Rey Chamber of Commerce. No evidence was introduced by the residents and their counsel left the hearing as soon as his statement was completed.

Three engineers testified for the City of Los Angeles. They advised there is a public need for the crossing, which will connect the waterfront with the principal coastal expressway. They advised that traffic flow will be expedited and residents in the vicinity of the crossing should benefit thereby. It was emphasized that the contractor, who will be constructing a large block of condominiums north of the railroad right of way, has already deposited sufficient funds with the City of Los Angeles to pay for the entire crossing including necessary automatic protection. Two witnesses testified for Barclay Hollander Curci, Inc., the principal builder in the area and the provider of the funds to construct the crossing. It was noted that the crossing, when constructed, will provide local access to a large shopping center north of the railroad and to the central Los Angeles area.

The Commission finds that:

1. Public convenience, safety and welfare require that the proposed Mindanao Way crossing be opened over the tracks of the Southern Pacific Transportation Company as provided in the stipulation filed herein.

2. There is nothing in this record to indicate that those residing in the vicinity of Mindanao Way will be inconvenienced by traffic congestion or noise if this application is granted.

3. The entire cost of opening the crossing and providing automatic protection has already been deposited with the City of Los Angeles by a local contractor.

The Commission concludes that the application should be granted as provided in the following order.

O R D E R

IT IS ORDERED that:

1. City of Los Angeles is hereby authorized to construct Mindanao Way at grade across the Inglewood Branch tracks of Southern Pacific Transportation Company, at the location described in the application, to be identified as Crossing No. BBE-497.72.

2. Width of the crossing shall be not less than 66 feet and grades of approach not greater than three percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72-A. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) with additional flashing light signals on cantilever arms supplemented with automatic crossing gates. No obstructions shall be placed or remain near the crossing which will impair the motorists' view of the signals.

3. Applicant shall bear the entire construction expense, including the cost of automatic protection. Applicant shall bear the maintenance cost of the crossing outside of lines two feet outside of rails. The Southern Pacific Transportation Company shall bear the maintenance cost of the crossing between such lines. The maintenance cost of the automatic crossing protection shall be borne by the applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code, and applicant's liability therefor shall be limited to such funds as are set aside for allocation to the Commission pursuant to Section 1231.1 of the Public Utilities Code.

4. Clearances, including any curbs, shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118 in that the transition slope between walkways required under General Order No. 118 and top of roadway shall provide a reasonable regular surface with gradual slope not to exceed 1-inch vertical to 8-inch horizontal in all directions of approach.

5. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 31st day of OCTOBER, 1972.

Vernon L. Stevenson
President
William J. Lyons
W. J. Lyons
W. J. Lyons
W. J. Lyons
Commissioners