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Decision No. 82790

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY OF LOS ANGELES )  
for the construction of a proposed grade )  
crossing of Deeded Street 333 over the )  
Southern Pacific Transportation Company )  
Tracks - Hoby Area. )

Application No. 53932  
(Filed March 28, 1973)

Ronald L. Schneider, for applicant.  
William E. Still, for Southern Pacific  
Transportation Company, protestant.  
Edward D. Stewart, for the Commission  
staff.

#### O P I N I O N

The county of Los Angeles (County) seeks to construct a crossing at grade over the tracks of the Southern Pacific Transportation Company (SP). The proposed crossing would be installed at Railroad Mile Post B-446.5 in Soledad Canyon.

Hearing was held in Los Angeles before Examiner Meaney on October 15, 1973 and the matter was submitted subject to the filing of the County's Environmental Impact Report. The final report was received by the Commission on February 21, 1974.

John J. McBride, a member of the Los Angeles County Road Department since 1942, testified for the County. He pointed out that one-half mile to the west there is a private crossing known as "Golden Triangle Crossing", and another half mile west of this private crossing there is a public crossing named "Golden Oak". Because of certain intervening properties between the Golden Oak Crossing and the site of the proposed crossing, property belonging to Frank J. Baudino to the south of the proposed crossing cannot be reached from the Golden Oak Crossing, unless the County were to exercise eminent domain to build a service road from the Golden Oak Crossing south of the tracks to Mr. Baudino's property. The terrain between Golden Oak and Golden Triangle is hilly.

Baudino's development, according to this witness, would call for 300 units of low density residential housing. Prior to 1966 this was a rural area but there has been development because of the freeway system. The witness stated that because of the rural atmosphere and the lack of available land for development in the Los Angeles Basin, that if the property were no longer landlocked it could be easily developed.

Soledad Canyon Road, which parallels the tracks immediately to the north, is being improved to a full 84-foot standard.

There is a private crossing to the east at Mile Post 445.9. This crossing was described as undesirable in the 1966 Commission investigation because of the S-curve (Case No. 8443, Decision No. 74928 dated November 13, 1968; see Exhibit 1 therein).

At present the SP line carries no passenger trains and about 13 to 17 freight trains a day, on the average. When the Colton Yard facilities are fully developed, this will be further reduced.

A 300-unit development, according to the witness, would generate between 2,400 and 3,000 cars per day.

The witness conceded that the County master plan of highways does not include this crossing or the proposed street across the tracks at this point. He pointed out, however, that the master plan is a planning document and subject to change.

A proposed road known as Golden Valley Road, approximately a half mile to the east of the proposed crossing, is part of the County master plan. The witness stated the County had no current plans to construct this road. He also mentioned that the State's 10-year development plan did not include a freeway through the area.

The witness summarized the reasons why in his opinion there is a public need for the crossing. He stated that there would be increased development south of the tracks, that train traffic has been reduced since 1966 and will be further reduced, that initially such a crossing would serve approximately 2,400 vehicles a day, and

that the proposed Freeway 126 and the Golden Valley Road would apparently not be built in the near future. In this connection he stated that even if such a road were built the proposed crossing would be necessary for proper traffic circulation. Two crossings in this area, with development south of the tracks, according to the witness, would cause better circulation and better traffic patterns for emergency vehicles. Freeway 126, if built as planned, would landlock the property south of it unless orderly development were encouraged.

The witness stated that the proposal calls for the road crossing the tracks to be two lanes in each direction, and a 64-foot width. He stated that cantilevers would not be objectionable if the crossing were opened.

Mr. Baudino, the witness stated, would develop a service road south of the tracks.

Frank J. Baudino testified he owns the property south of the proposed crossing with his sister. Until 1966 the property had a private crossing located at Mile Post 445.9. In 1966 this crossing was locked but numerous trespassers broke the locks and on one occasion even removed the gates. As a result of this, posts were driven into the ground to block the crossing. This crossing, as mentioned, is located on an S-curve.

Years ago, according to the witness, the land was satisfactory for agricultural purposes due to low taxes. Because of increasing taxes and the aforescribed problem with the existing private crossing, it is no longer suitable for agriculture. The witness said the growth in the area has been "phenomenal" in ten years. Taxes went from a few hundred dollars to thousands of dollars a year. He stated that unless he is relieved from having a landlocked piece of property, he is reduced to simply paying taxes and making no money from it.

Baudino wishes to construct an access road to the east so that the property belonging to his neighbors will also be included in the possible development. The road will also go west and terminate at the western property line. Because some of the property owners to the west do not wish to allow him to continue the access road, he cannot construct the road down to the private crossing now in existence at what is known as "Golden Triangle".

Brent Bergh, a land developer, was hired by Mr. Baudino to investigate developing the property. Mr. Bergh stated there is no suitable access road on the south of the tracks, and that he was unsuccessful when he contacted the property owners to the west of the Baudino property to interest them in an access road. The present zoning he said was "open space" and there had been no application for a change because the County wishes the crossing to be approved first.

SP opposes the crossing because it is not on the County plan and also because SP feels the proper location for a crossing would be where the proposed Golden Valley Road will be constructed in the future.

William R. Wilkenson, a senior engineer for SP, testified that the proposed service road, at least as depicted upon the applicant's drawings, would encroach into the SP right-of-way. He stated that SP had given no permission to the applicant to do this. The right-of-way is 100 feet to the south of the tracks.

The witness stated that if the crossing is improved, rather than Standard No. 9 flashers there should be installed Standard No. 9-A flashers. The difference is that the 9-A flashers are cantilevered, which he feels necessary if one assumes that school buses will use the crossing as the area is developed. Such signals would be visible to a vehicle following such a bus. He estimated the signal cost at \$40,000 and the overall cost at \$50,000 (adding \$10,000 for a plank crossing, for adjusting the communications lines, and for installing the signaling devices). The witness stated he felt the County should bear the entire cost of maintenance as well as installation.

The witness was of the opinion there was no justification for the crossing in view of the development of Golden Valley Road but that if the Commission were to grant the applicant permission to open this crossing, the Commission's order should be conditioned so that it would be closed when Golden Valley Road was in fact opened. On cross-examination he stated that even if the County did not exercise eminent domain to build a road south of the tracks from the proposed crossing to the proposed Golden Valley Road, then he would still advise closing this crossing even though Mr. Baudino's property would again be landlocked.

The witness stated SP might be willing to have an access road down the south right-of-way. He was of the opinion that the County could develop a 44-foot wide roadway within the right-of-way without curbs and with no sidewalk along the railroad side.

The Golden Triangle private crossing, approximately one-half mile to the west, is the closest available crossing. The Golden Oak Crossing, not to be confused with Golden Triangle, is a public crossing one and one-tenth miles to the west of the proposed crossing. To the east, the first public crossing is a grade separation for alternate state sign Route 14, known as the Solemint Overhead, approximately one and three-quarters miles past Milepost 445.9, where the barricaded private crossing is located.

A passing track begins a few hundred feet to the west of the proposed crossing and extends west 4,000 feet.

#### Discussion

The Commission is of the opinion that, on balance, this application should be granted.

Baudino's property is landlocked. Without some sort of relief for traffic circulation, all he can do with it at present is pay taxes on it. The evidence is undisputed that it is no longer suitable for agriculture.

The alternatives to the proposed crossing involve indefinite future events. Without the crossing, Baudino must either wait for the County to build Golden Valley Road at an unknown time in the future, or in the alternative, to hope that the County will decide to exercise eminent domain to permit the construction of a road south of the tracks in order to connect Baudino's property with the private crossing (assuming the crossing can be used for the purpose Baudino intends). Furthermore, the combination of an access road a half mile in length, plus increased traffic over an existing private crossing, is questionable as an alternative to the proposed public crossing. As to building a road even further to the existing public crossing, this seems even more undesirable because of the nature of the terrain.

The SP testimony indicated it might be possible to build an access road partially upon the SP right-of-way south of the tracks and eliminate the eminent domain problem; however, this again is uncertain and no concrete plans or assurance that this is feasible was furnished the Commission.

SP does not indicate that there are any special safety factors regarding this location (other than the fact that the Commission should order Standard 9-A flashers, which are cantilevered, anticipating the use of the crossing by school buses). There are no passenger trains on this route and the freight traffic, which is not too heavy at present, will decrease further in the future. There is nothing in the configuration of the railroad track or the proposed crossing to show that there are any special safety hazards in its installation. Traffic projections at this location do not show that an unreasonable number of crossings would be made.

We are mindful that Golden Valley Road exists on the County's master plan; however, we also are aware that such planning documents are general in nature. There is no definite information as to when the County will build this road.

We reject as premature the suggestion by SP that if the Commission authorizes this crossing, its order should be conditioned upon closing it when Golden Valley Road is opened. Since there is no time frame within which the Commission can judge when Golden Valley Road would be built, nor is there any definite idea of exactly how the remainder of the area will be developed and how much traffic will be generated by future unknown uses, this is a problem more properly solved if and when a second crossing at the proposed Golden Valley Road is opened.

It is reasonable, in this proceeding, to require the County to pay 100 percent of the costs of installation and maintenance of this crossing.

Findings

1. The property south of the proposed crossing belonging to Frank Baudino is landlocked from Soledad Canyon Road and any other presently existing thoroughfare in the vicinity. This property is suitable for the development of 300 units of low density residential housing and is no longer suitable for agricultural purposes.

2. Soledad Canyon Road, which parallels the tracks immediately to the north thereof, is being improved to a full 84-foot standard.

3. A proposed road known as Golden Valley Road, approximately half a mile to the east of the proposed crossing is part of the County master plan but the County has no current plans to construct this road.

4. A previously existing private crossing to the east at Mile Post 445.9 was described as undesirable in Decision No. 74928 dated November 13, 1968 (Case No. 8443). This crossing was situated on an S-curve. It has been permanently blocked to prevent trespassers from using it.

5. Golden Triangle Crossing, a private crossing, exists to the west at a distance of approximately 1/2 mile from the proposed crossing, but an access road cannot be built to it on the south side of the tracks from Baudino's property because certain property owners will not afford Baudino an easement to do so. The record in this case indicates that it is uncertain as to whether either the County would exercise eminent domain to allow this road to be built, or whether part of the road could be built upon SP's right-of-way south of the tracks.

6. The nearest public crossing is Golden Oak Crossing, which exists over hilly terrain a half mile west of the previously mentioned private crossing.

7. At present the SP track carries no passenger trains and about 13 to 17 freight trains a day on the average. This traffic will be further reduced when the facilities at Colton Yard are fully developed.

8. No special hazard exists in the location of the proposed crossing.

9. The County is the lead agency for the preparation of an environmental impact report (Commission Rule 17.1(n)(B) 3.). The final environmental impact report for the project in this proceeding was approved by the County Board of Supervisors on February 5, 1974. A copy of said EIR has been received herein as late-filed Exhibit 4. The Commission has considered this final EIR in rendering its decision on the project and, based upon it, finds that:

- a. While the alternative of no crossing would preserve the natural environment to the south of the tracks, it would also perpetuate the hardship on the property owners of holding unproductive and unusable land, upon which they must pay taxes, and which is zoned for very low density residential use. The project is a phase in the orderly development of the Honby area in conformance with the County's general plan. The completion of this grade crossing will ultimately provide access to other undeveloped land in the area.



- b. The impact to the vegetation in the immediate area of the crossing will be insignificant.
- c. The new crossing will facilitate the development of several hundred low density single family residences in accordance with existing zoning regulations, and this development could generate up to 3,000 vehicle trips per day for the proposed crossing; however, the proposed crossing will also provide access for fire fighting equipment, thus helping to protect the remaining natural environment.
- d. The growth inducing factors mentioned in the previous subsection, above, and covered in greater detail in the County's EIR, will be at the expense of a portion of the natural environment; however, there should be ample natural areas remaining in the vicinity.
- e. Although the project may have a significant effect on the environment due to its growth inducing potential, the need for improvement surpasses any possible adverse effects.

The Commission concludes that public convenience and necessity require the installation of a crossing at grade at Mile Post B-446.5 across the track of SP in Soledad Canyon, Los Angeles County.

O R D E R

IT IS ORDERED that:

1. The county of Los Angeles is authorized to construct, operate, and maintain a crossing at grade over the tracks of the Southern Pacific Transportation Company at Railroad Mile Post B-446.5 in Soledad Canyon as shown by the plans attached to the application herein and by Exhibits 1 and 2 herein, to be identified as grade crossing No. B-446.5.

2. The width of the crossing shall be not less than 64 feet and grades of approach not greater than 6 percent as shown on the plan attached to the application. Construction shall be equal or superior to Standard No. 2 of General Order No. 72-B. Protection shall be by two Standard 9-A signals (General Order No. 75-C).

3. Applicant shall bear the entire construction expense, including the requisite automatic protection, and maintenance costs of the crossing outside of lines two feet outside of the rails. The Southern Pacific Transportation Company shall bear the maintenance costs of the crossing between such lines.

4. Maintenance costs of the automatic protection shall be borne by the applicant pursuant to the provisions of Public Utilities Code Section 1202.2.

5. 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 one inch vertical to eight inches horizontal in all directions of approach.

6. Within thirty days after the completion of the work authorized by this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year from the effective date of this order unless time be extended or if conditions are not complied with. The authorization may be revoked or modified if public convenience, necessity, or safety so require.

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The Secretary of the Commission shall file a notice of determination with the Secretary for Resources and with the planning agencies of any city and county which will be affected by the project.

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

Dated at San Francisco, California, this 23rd day of APRIL, 1974.

Vernon L. Stenger  
President  
William J. Quinn  
William J. Quinn  
William J. Quinn  
William J. Quinn  
Commissioners