

ORIGINAL

Decision No. 82801

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
SOUTHERN PACIFIC TRANSPORTATION
COMPANY for an order authorizing
construction at grade of an
industrial drill track in, upon and
across ALONDRA BOULEVARD in the
City of Santa Fe Springs, County
of Los Angeles, State of California.

Application No. 54467
(Filed November 27, 1973)

William E. Still, Attorney at Law, for applicant.
William Camil, City Attorney, for the City of
Santa Fe Springs, interested party.
Elmer Sjostrom, Attorney at Law, for the Commission
staff.

INTERIM OPINION

Southern Pacific Transportation Company (SP) requests authority to construct an industrial drill track, at grade, across Alondra Boulevard in the city of Santa Fe Springs to serve an industrial park located in the city of Cerritos. Pursuant to Rule 17.1(e) of the Commission's Rules of Procedure, SP filed with its application a "Motion To Determine That Construction Of Proposed Drill Track Is Included Under The Categorical Exemptions Established In The Guidelines Issued By The Resource Agency".

The motion will be denied for the reasons set forth in Decision No. 81860 dated September 12, 1973 in SP's Application No. 54123 and Decision No. 81894 dated September 14, 1973 in SP's Application No. 54138, wherein the same motion was made.

After duly published notice, hearing was held before Examiner Bernard A. Peeters on February 25, 1974 in Los Angeles and submitted on that date for an interim order authorizing construction of the crossing. Pending the issuance of a final order, the parties desired to brief the issue of the validity of conditions contained in the spur track permit granted by the city of Santa Fe Springs to SP.^{1/} It was agreed by the parties that SP's opening brief is to be filed by April 15, 1974, reply brief is due May 15, 1974, and closing brief is due 10 days after filing of the reply brief.

SP's evidence was presented through three witnesses: an industrial agent, a public project engineer, and an assistant train master, and seven exhibits. The city of Santa Fe Springs (City) produced evidence through two witnesses: a contract city engineer and its Director of Public Works and City Engineer, and four exhibits. The staff produced one witness and exhibit.

SP desires to construct the proposed crossing to serve a new 120-acre industrial park being developed under Assessment District 6 by the city of Cerritos. The industrial park is bounded generally by Alondra Boulevard, Shoemaker Avenue, 166th Street, and Carmenita Avenue and is contained within a 300-acre parcel for which Cerritos has established a land use program in accordance with its Area Development Plan 1. Said area is bounded by Bloomfield Avenue, 166th Street, Carmenita Road, and the Cerritos city boundary.

^{1/} We take official notice of a letter dated January 22, 1974 from the City Attorney of Santa Fe Springs which stated that the City Attorney and Southern Pacific Transportation Company have come to an agreement whereby the city will not oppose the granting of an interim order to construct the proposed crossing reserving their respective rights as to disputed matters pending final disposition.

It is alleged that there is an urgency for construction of the drill track in order to keep pace with the actual physical property development. SP states that installation of an overhead or undergrade crossing is not practical because of the existing grade conditions and because of the lack of traffic needs.

SP's industrial agent sponsored Exhibit 2 which shows that Pacific Coast Properties, Inc. (PCP) is the owner of 52 acres in the industrial park and that it was purchased with the understanding that the major portion of the property would be serviced by SP. As of January 2, 1974, PCP indicated it was planned to break ground for the first phase of development in Cerritos Industrial Park before February 1, 1974, with completion by July 1, 1974. Phase 1 consists of two buildings of 161,650 and 104,622 square feet each with dock high, rail-served facilities. PCP is also developing, for build-to-suit purposes, an additional 50 acres on which rail service will be necessary. The industrial agent pointed out that SP has filed Application No. 54438 for authority to construct a grade crossing of Shoemaker Avenue which lies within the industrial park and in which PCP is also interested.

The Alondra Boulevard crossing provides access to the industrial park by SP. There is a third shipper locating within the industrial park, according to the industrial agent, who seeks a guarantee from SP that rail service will be available by September 1974.

The area north of the industrial park (Alondra Boulevard) is located in the city of Santa Fe Springs and is generally an industrial area already served by SP. On September 12, 1972 City approved and granted a spur track permit to SP for the crossing in issue. SP signed the permit on October 26, 1973 and it was executed

on behalf of City on November 8, 1973. Said permit contains certain conditions to be met by SP, among which is a condition that no train operations shall be conducted over the crossing between the hours of 7:00 a.m. and 8:30 a.m. and 4:00 p.m. and 6:00 p.m. of any day.

SP's public project engineer testified that the proposed protection of the crossing will consist of 4 Standard No. 9 signals (General Order No. 75-C), two of which will be installed on a median island, and that the physical characteristics at the site of the proposed crossing make it impracticable to construct an overpass or underpass. He sponsored Exhibit 6 which shows the estimated cost of the grade crossing to be \$33,155 which cost, he stated, will be borne by SP. He estimated that for the immediate future there would be four train crossings daily, each consisting of about three cars in length. The hours at which these train movements would be involved depend upon the requirements of the industries to be served. There will be no switching done over the crossing. This will be accomplished within the confines of the park. He also stated that Alondra Boulevard is a major arterial highway.

The assistant trainmaster testified that train movements over the crossing would not exceed five miles per hour and that the time restriction on the crossing operation would interfere with the railroad's operations and increase the cost of service, in that the time limitations would prevent the switching crews from completing their work within their legal working hours, thus requiring a new crew to be sent out to complete the switching.

The City's contract engineer witness stated that he was familiar with the time limit restriction and that in his opinion this type of restriction should be enforced on all arterial street crossings. His opinion is based upon his general experience and studies made where gate protection is provided at crossings. His

past studies indicated to him that the gates were actuated inaccurately and remained in a down position for too long a time, thus causing traffic to back up on either side of the crossing creating a dangerous and hazardous situation. On cross-examination he admitted that he did not make a study of crossings on Alondra Boulevard and that his experience was limited primarily to crossings in Fullerton.

The City's Director of Public Works stated that he was directly involved in recommending the time restrictions. He stated that Alondra Boulevard is a major arterial for Buena Park, Cerritos, and Norwalk and connects Interstate Freeway 605 to the west and the Santa Ana Freeway to the east. A traffic count of vehicles on Alondra Boulevard showed that there are approximately 11,500 vehicles per day at present. Because this is a rapidly developing industrial and residential area, he projects there will be 20,000 or more vehicles per day using Alondra Boulevard within the next few years. However, in making this projection, the current fuel crisis was not taken into consideration. It is his opinion that removal of the time restriction will increase the exposure for auto-auto accidents due to the backing up of traffic while gates are down. He also pointed out that he has had experience where autos have gone around the gates which resulted in fatalities. Therefore, in his opinion, the answer to the safety problem, on heavily travelled arterials, is to restrict train operations over crossings during the peak traffic hours.

The staff presented Exhibit 11 through an associate transportation engineer. The staff points out that there are four crossings within the vicinity of the proposed crossing, all of which are protected by either Standard No. 8 or 9 signals (General Order No. 75-C) and none of which have time restrictions such as proposed here.

The staff also pointed out that Alondra Boulevard is a major fire route for the Los Angeles County Fire Department between the cities of Norwalk, Cerritos, and La Mirada. However, if Alondra Boulevard should be blocked by a train, this would not prevent response to the emergency since the county responds to all emergencies from three directions. Santa Fe Springs Fire Station No. 3 is located on Carmenita Avenue about 500 feet north of Alondra Boulevard which is the southern boundary of Santa Fe Springs. The witness concluded that blockage of Alondra Boulevard would have little effect since most of the emergencies to which this station responds are to the north toward the central area of Santa Fe Springs, away from the proposed crossing. The witness agreed with the level of protection proposed for the crossing. Upon inquiry as to whether the staff had any recommendations pertaining to this crossing, the witness stated that since no pattern has been established with respect to operating time restrictions over crossings, it would be necessary to show that a problem exists before such restrictions should be imposed.

Discussion

In view of the agreement of the parties, this opinion will be limited to consideration of whether or not authorization to construct and operate over the proposed crossing should be granted.

During the proceeding SP stipulated that it would abide by the time restriction imposed by the City in its spur track permit until a final order is issued in this matter deciding the validity of the permit conditions.

The City has not objected to the installation of the crossing. The evidence shows there is a need for the crossing if the industrial park is to serve its purpose.

Findings

1. The request is in the public interest and the Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.
2. SP should be authorized to construct an industrial drill track, at grade, at the location and in accordance with the plan set forth in the application.
3. SP has agreed to pay all construction and maintenance costs of the drill track, crossing, and installation of the protection.
4. SP has stipulated that it will abide by the time restrictions set forth in its spur track permit pending further order of the Commission.

We conclude that the application should be granted on an interim basis as set forth in the following order.

INTERIM ORDER

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to construct, maintain, and operate across Alondra Boulevard in the city of Santa Fe Springs, county of Los Angeles, an industrial drill track as set forth in its application and the attached Los Angeles Division Drawing No. B-5625 dated April 9, 1973.

2. The crossing, to be identified as Crossing No. BK 501.69-C, shall be protected by the installation of four Standard No. 9 flashing light signals with automatic gates (General Order No. 75-C). Width of the crossing shall be not less than 84 feet. Finished grades of approach shall conform to the existing roadway. Crossing construction shall be equal or superior to Standard No. 2 (General Order No. 72-B). Clearance, including any curbs, shall conform to General Order No. 26-D. Walkways adjacent to the crossing shall conform to General Order No. 118.

3. Applicant shall bear all construction, installation, and maintenance costs.

4. Applicant shall not conduct railroad operations over Crossing No. BK 501.69-C during the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. pending further order of the Commission.

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 two years unless time be extended or if the above conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. The motion for a categorical exemption is denied.

The effective date of this order is the date hereof.
San Francisco

Dated at _____, California, this 30th
day of APRIL, 1974.

William J. Sturgeon President
[Signature]
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate
-8- in the disposition of this proceeding.