

Decision No. 85195

ORIGINAL

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
a public pedestrian crossing at
grade over the tracks of the
Southern Pacific Transportation
Company's Del Rey Redondo Branch
Line at Culver Boulevard and
Braddock Drive.

Application No. 54465
(Filed November 26, 1973;
amended April 22, 1974)

Burt Pines, City Attorney, City
of Los Angeles, by Charles E.
Sullivan, Attorney at Law, for
applicant.

William E. Still, Attorney at Law,
for Southern Pacific Transpor-
tation Company, respondent.

Jack Reynolds, Public Utilities
Engineer, for Department of
Public Utilities and Transpor-
tation, City of Los Angeles,
interested party.

Edward D. Stewart, for the Com-
mission staff.

O P I N I O N

The City of Los Angeles (City) seeks authority to construct a public pedestrian crossing at grade across the Southern Pacific Transportation Company's (SP) Del Rey Redondo Branch Line (now known as Alla Branch) at Culver Boulevard and Braddock Drive in the city of Los Angeles. City initially proposed that two Standard No. 1-D pedestrian railroad grade crossing signs (General Order No. 75-C) be erected at the proposed crossing, but at the hearing agreed that two Standard No. 10 pedestrian railroad grade crossing signals would be installed.

In addition, City filed a motion pursuant to Commission Rule 17.1(e)(1)(D) on November 26, 1973 requesting that the Commission determine and declare that City is the lead agency in the matter involved in the application and that its Negative Declaration (Exhibit 2) be accepted in lieu of a Final Environmental Impact Report (EIR) otherwise required by the California Environmental Quality Act (CEQA) of 1970.

A public hearing was held before Examiner James D. Tante at Los Angeles on September 25, 1975 and the matter was submitted on that date subject to receipt before October 9, 1975 of late-filed Exhibit 3 pertaining to action by City in compliance with CEQA. A public utility engineer employed by City testified for City.

Exhibit 1, copy of map of the area; Exhibit 2, notice of determination and negative declaration; and late-filed Exhibit 3, a certified copy of a finding by City that the project will not have a significant effect on the environment, were received in evidence.

City and respondent SP stipulated that the crossing is necessary for the convenience of the public; that two Standard No. 10 pedestrian railroad grade crossing signals (General Order No. 75-C) would be installed at the proposed crossing, one signal to be placed on each side of the tracks; and that apportionment of the cost of construction and maintenance of the signals would be 100 percent to City.

A letter from a representative of the staff, dated October 14, 1975, states that the branch line involved herein, previously known as Del Rey Redondo Branch Line, was renamed the "Alla Branch" effective November 9, 1970, and that the identity of the crossing is to be No. BBD-497.81-D.

The witness testified that the installation of crossing signals would reduce the flow of traffic at other nearby intersections. The nearest crossing to the east is at Centinela Avenue, Crossing No. BBD-497.37, a distance of 2,300 feet, and to the west is Alla Road, Crossing No. BBD-498.17, a distance of 1,900 feet.

The requested crossing is located within the Palms-Mar Vista-Del Rey community. The estimated population of Palms-Mar Vista-Del Rey in 1970 was approximately 94,332. The projected population of Palms-Mar Vista-Del Rey in 1990 is 104,700. The existing railroad right-of-way consists of a single track in a 60-foot-wide right-of-way which divides Culver Boulevard at this location, with a 38-foot roadway on the north and a 52-foot roadway on the south. The south roadway is designated as a major highway on the City's highways and freeways plan.

Zoning on the north side of Culver Boulevard between Alla Road and Westlawn Avenue is primarily multiple residential with commercial zoning at the intersection of McConnell Avenue and Culver Boulevard. Zoning on the south side of Culver Boulevard is multiple residential easterly of the proposed pedestrian crossing and manufacturing to the west. This area is presently developed with a mixture of industrial, single-family residential, and multiple-family residential. Structures are reasonably new and well-maintained. There is a church and preschool on the south side of Culver Boulevard to the east of the proposed pedestrian crossing.

Observation of the crossing and the surrounding area was made by City's traffic engineer. Two schools are located near the intersection of Culver Boulevard and Braddock Drive:

The Marina Del Rey Junior High School, which has an enrollment of 1,700 or more children, of which approximately one-third live north of the railroad tracks;

The Light and Life Christian Elementary School, which has an enrollment of 150 or more children, of which approximately one-half live north of the railroad tracks.

Children living north of Culver Boulevard and attending schools on the south side of Culver Boulevard must cross the railroad tracks. This is normally done by using dirt paths across the right-of-way which are located approximately 500 feet east of the proposed crossing. Children must then walk back to McCormell Avenue along the north side of the south roadway of Culver Boulevard in order to safely and legally cross the busy (12,286 automobiles per day) roadway.

A manual count taken on November 4, 1971, between the hours of 7 a.m. to 10 a.m. and 3 p.m. to 6 p.m., in the vicinity of the requested pedestrian grade crossing, revealed 547 pedestrian crossings of the railroad tracks by children on their way to and from school and 18 crossings by adults.

Traffic signals are installed at the intersection of Braddock Drive and Culver Boulevard.

It is the opinion of the department of traffic of City that construction of the pedestrian grade crossing across the SP railroad tracks in conjunction with the traffic signal installations would provide a controlled all-weather crossing, and would encourage pedestrians to cross the tracks only at this one location, rather than crossing at scattered points along the tracks, and that it would be in the best interest of public safety.

The City will acquire dedication of an easement for the crossing by negotiation and will bear the cost of constructing the crossing, and there is no objection to the construction of the crossing by SP.

There are only three train movements each week on the Alla Branch of SP.

The Commission's Rules of Practice and Procedure provide in Section 17.1(n)(1)(B)3: "New Railroad Track Crossing. If the new railroad track crossing is part of a project to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other such projects."

The Commission is not and the City is the lead agency. (See Guidelines for Implementation of CEQA (Guidelines) Section 15030.) The City has filed a Negative Declaration pursuant to Sections 15033, 15061(a), and 15083 of Guidelines. The Negative Declaration was approved by the council of City on October 25, 1973 (Exhibit 3) and it found that the project will not have a significant effect on the environment.

Findings

1. Public convenience and necessity require that City be authorized to construct a new pedestrian crossing at grade across SP's Alla Branch at Culver Boulevard and Braddock Drive, Los Angeles, California, at the location described in the application, as amended, and such construction would be in the best interest of public safety.

2. Public safety requires that two Standard No. 10 pedestrian railroad grade crossing signals (General Order No. 75-C) be erected at the proposed crossing, one signal to be placed on each side of the tracks.

3. The apportionment of the cost of construction of the crossing and the installation and maintenance of the signals should be applied 100 percent to City. Maintenance of the crossing should be in accordance with General Order No. 72-B.

4. The construction of the crossing would reduce the flow of traffic at other nearby intersections.

5. The Commission is not and City is the lead agency for the project involved herein. The council of City has approved the Negative Declaration (Exhibit 2) and has found that the project will not have a significant effect on the environment. The Commission has considered the Negative Declaration. A Final EIR is not required.

6. It is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted to the extent set forth and in accordance with the provisions of the order which follows.

O R D E R

IT IS ORDERED that:

1. The City of Los Angeles is hereby authorized to construct a pedestrian crossing at grade across the tracks of the Southern Pacific Transportation Company's Alla Branch at Culver Boulevard and Braddock Drive in the City of Los Angeles, Los Angeles County, at the location and substantially in accordance with plans attached to the application, as amended, to be identified as Crossing No. BBD-497.81-D.

2. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order No. 72-E).

3. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

4. Protection at the crossing shall be two Standard No. 10 pedestrian signals (General Order No. 75-C).

5. Construction expense of the crossing and installation cost of the automatic signal devices shall be borne by the City of Los Angeles.

6. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

7. Maintenance cost of the automatic signal devices shall be borne by the City of Los Angeles pursuant to the provisions of Section 1202.2 of the Public Utilities Code and its liability 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.

8. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

9. 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. 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 2nd day of DECEMBER, 1975.

President

 Commissioners