

ORIGINAL

Decision 87 11 039

NOV 25 1987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the City of La Verne to construct )  
Wheeler Avenue, a public street, )  
across the railroad tracks of the )  
Southern Pacific Transportation )  
Company in the City of La Verne, )  
County of Los Angeles. )

Application 86-07-002  
(Filed July 1, 1986)

Leon B. Martin, for the City of La Verne,  
applicant.  
Larry Alan Fredeen, for United Transportation  
Union, California State Leg. Board,  
Local 240, protestant.  
Harold S. Lentz, Attorney at Law, for Southern  
Pacific Transportation Company, respondent.  
Raymond Toehy, for the Transportation Division.

OPINION

The City of La Verne (applicant) requests permission to construct Wheeler Avenue, a public street, across the tracks of the Southern Pacific Transportation Company (SP) as more particularly shown on Appendix A.

Applicant asserts that:

1. The proposed crossing is needed to provide improved public access to the industrial and residential areas to the north and south as well as to the County Airport (Brackett Field) located south of the railroad tracks. This airport is designated as an industrial zone to be developed at a later date. Additionally, the crossing will provide significantly reduced response time for fire and emergency vehicles to the area. The proposed crossing will be the only crossing between the Live Oak Wash and the Marshall Canyon Channel.

2. A separation of grades is not practical at the crossing because of the topography of the area to be developed and the inability of the City to fund the high cost of a grade separation project.

3. The protection recommended to be provided at the crossing is automatic gates with four Standard No. 9 gate-type signals. The crossing will be a standard paved crossing.

4. SP will maintain that portion of the crossing within two feet outside of the rails and applicant will maintain the balance.

A protest to the application was filed by the United Transportation Union which represents the conductors, brakemen, switchmen, firemen, and a large portion of the engineers employed by SP. The protest was based on potential safety factors. After one day of hearing the protest was withdrawn.

SP and the staff do not object to granting the application. At the hearing, applicant presented its deputy city engineer who testified to the need for the at-grade crossing and the impracticality of a grade separation. Because there is no opposition to a grant of the application, the testimony, which fully supports the allegations in the application, need not be set forth.

#### Findings of Fact

1. Public convenience and necessity require the construction of the proposed at-grade crossing to provide improved public access to the industrial and residential areas to the north and south of the crossing and to reduce response time for fire and emergency vehicles to the area.

2. Protection will be automatic gates with four Standard No. 9 gate-type signals (General Order 75-C).

3. SP will maintain that portion of the crossing within two feet outside of the rails and applicant will maintain the balance.

4. Applicant is the lead agency for this project under CEQA. The Commission is a responsible agency for this project and has

reviewed the lead agency's negative declaration. The project will have no significant impact on the environment.

Conclusion of Law

The Commission concludes that the application should be granted under the conditions set forth in the following order:

ORDER

IT IS ORDERED that:

1. The City of La Verne (City) is authorized to construct Wheeler Avenue at grade across the Southern Pacific Transportation Company's (SP) railroad track at the location and substantially as shown by plans attached to the application, to be identified as Crossing BBO-511.33.
2. Construction of the crossing shall be equal or superior to Standard No. 1 GO 72-B.
3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.
4. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (GO 75-C).
5. Construction expense of the crossing shall be borne by City.
6. Installation cost of the automatic protection at the crossing shall be borne by City.
7. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.
8. Construction plans of the crossing, approved by SP, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

9. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

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

This order becomes effective 30 days from today.

Dated NOV 25 1987, at San Francisco, California.

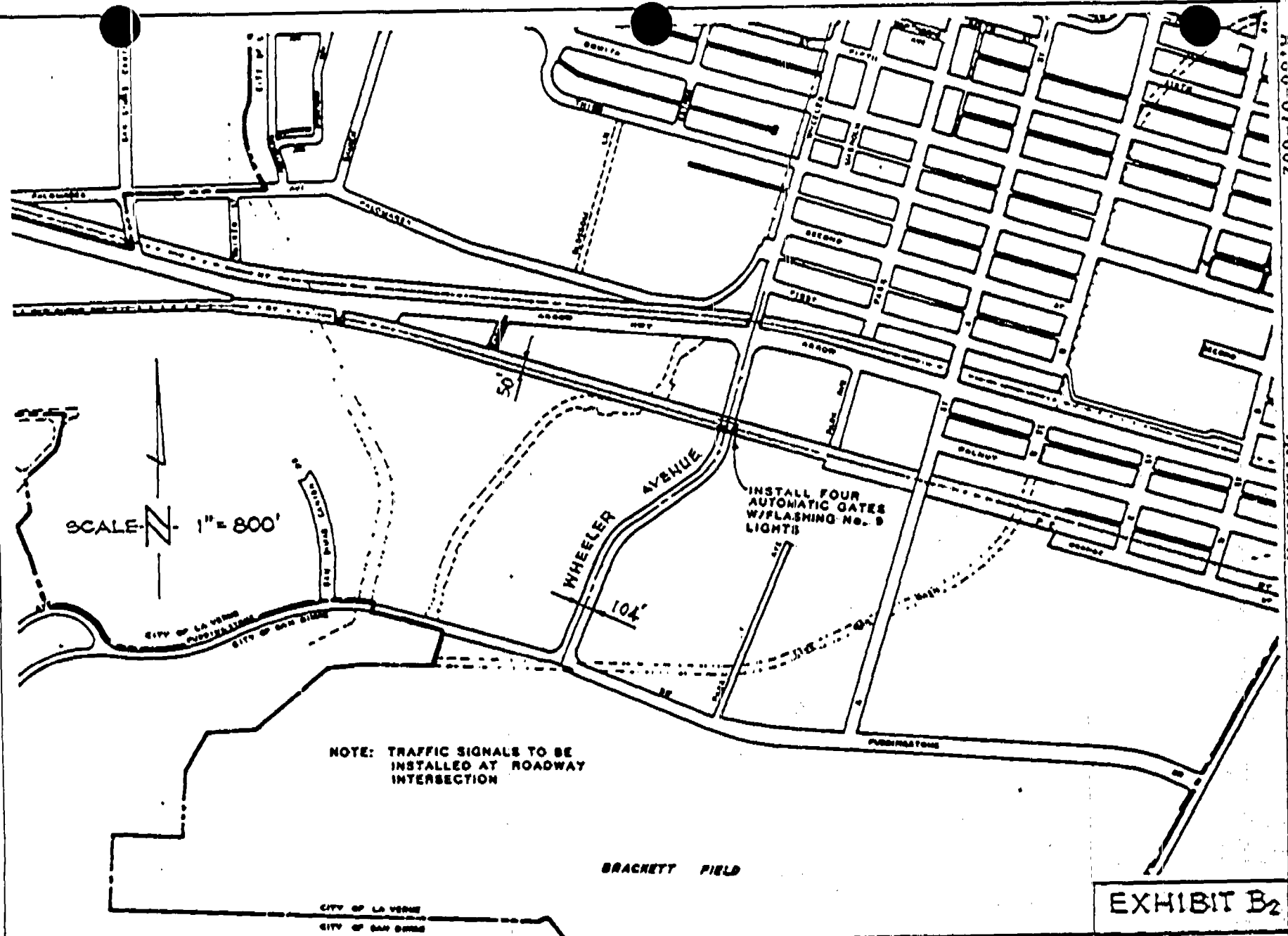
STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Victor Weisser, Executive Director

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NOTE: TRAFFIC SIGNALS TO BE INSTALLED AT ROADWAY INTERSECTION

INSTALL FOUR AUTOMATIC GATES W/FLASHING NO. 9 LIGHTS

BRACKETT FIELD

EXHIBIT B<sub>2</sub>

CITY OF LA VERNE

WHEELER AVENUE CROSSING

KENNETH I. MULLEN  
CONSULTING ENGINEERS