

Decision 90 05 069 MAY 22 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOS ANGELES COUNTY TRANSPORTATION)
COMMISSION for an order authorizing)
the construction of two light rail)
vehicle tracks at grade at each of)
the following locations: 20th Street,)
24th Street, 41st Street, Vernon)
Avenue, 48th Place, and 55th Street;)
the alteration of a two-track cross-)
ing at grade at 20th Street; and the)
closure of existing crossing at)
Martin Luther King Boulevard, all)
in the City of Los Angeles,)
California.)

ORIGINAL

Application 86-12-022
(Filed December 12, 1986;
amended November 12, 1987)

Graham & James, by David J. Marchant, Attorney
at Law, for Los Angeles County
Transportation Commission, applicant.
James M. Okazaki, for Department of
Transportation, City of Los Angeles; John
Fisher, for the City of Los Angeles; Lila L.
Cox, Attorney at Law, for Southern Pacific
Transportation Company; and James P. Jones,
for United Transportation Union; interested
parties.
Raymond Toohey, for the Safety Division.

O P I N I O N

We issued an interim opinion in this proceeding granting the Los Angeles County Transportation Commission's (LACTC's) request for authority to construct two light rail vehicle tracks at specified locations in Los Angeles and to alter and relocate two of Southern Pacific Transportation Company's (SP's) tracks. We left open for further resolution the disputed issue of whether a traffic signal was needed at 55th Street and the adjacent, parallel roadways of Long Beach Avenue East and West. As an interim measure we granted authority to install automatic crossing protection and

boulevard traffic stop signs at 55th Street and Long Beach Avenue East and West in order for the project to proceed. (Decision (D.) 88-08-048.)

From the time the interim order was issued until early this year, the parties attempted and were unable to reach an agreement on the remaining issue in the proceeding. Prehearing Conference was held on October 4, 1989 to discuss the matter and schedule hearings. At that time, the parties indicated the dispute is between SP and the City of Los Angeles Department of Transportation (LADOT). Applicant, Los Angeles County Transportation Commission (LACTC), United Transportation Union (Union), and the Commission Safety Division (Division) take no position on the sole issue. SP contends that the configuration of this intersection causes a safety hazard which warrants a traffic signal in addition to the crossing protection. LADOT asserts that no traffic signal is warranted under existing railroad crossing standards or recent independent studies. After discussion of the parties' positions, SP and LADOT indicated that an agreeable condition could be drafted to close the proceeding. Further settlement meetings between the disputing parties were scheduled. These parties were instructed to circulate any agreement between themselves to all other parties in the proceeding for comment and approval.

On February 13, 1990, applicant filed a motion to accept a Settlement Agreement pursuant to our Rules of Practice and Procedure, Rule 51.1. The Settlement Agreement was signed by four parties in the proceeding. Union, the fifth party, submitted its signature page several days later pursuant to provisions made in the Settlement Agreement. The Settlement Agreement provides that LADOT shall conduct a study for the six months following commencement of its commercial light rail transit operations over the tracks authorized to be constructed in this proceeding in order to determine if traffic signals should be installed at the disputed

intersection. If the study recommends a traffic signal, one shall be installed by applicant. If not, LADOT shall conduct a second study for the next six months. If the second study recommends a traffic signal at that time, it shall be installed by applicant. If neither study recommends a traffic signal, LADOT shall continue to monitor the traffic requirements at this intersection under the same standards applicable for all intersections.

Applicant has complied with the requirements of Rule 51.1. No comments or opposition to the Settlement Agreement have been filed. All parties have signed the Settlement Agreement. The Settlement Agreement resolves the remaining issue in this proceeding without further hearings or delay. We find the Settlement Agreement reasonable and will adopt it. Since the Settlement Agreement resolves the sole issue remaining in this proceeding, this proceeding should be closed.

Findings of Fact

1. By D.88-08-048 we granted applicant authority to construct two light rail vehicle tracks, to relocate two other tracks, and to close one track. We left unresolved the issue of a traffic signal at the 55th Street crossing. As an interim measure we required automatic crossing protection and boulevard stop signs be placed at this location.

2. On February 13, 1990 applicant requested approval of a Settlement Agreement signed by all parties. The Settlement Agreement indicates that this proceeding may be closed upon the condition that LADOT conduct a study for the six months following commencement of light rail transit operation over the tracks constructed pursuant to authority granted in this proceeding to determine if a traffic signal should be installed at this intersection. Parties agree that applicant shall install a traffic signal if the study concludes it is needed. If the study concludes it is not needed, LADOT shall conduct a second study for the following six months. A traffic signal shall be installed if the

second study so indicates the need. If a traffic signal is not recommended by the second study, LADOT agrees to continue to monitor the intersection under the same standards which it applies to all such intersections.

3. The Settlement Agreement resolves the sole issue remaining in this proceeding without further litigation or delay.

4. Parties in the proceeding received notice of and discussed the proposed Settlement Agreement. No comment or opposition to approving the Settlement Agreement was filed.

Conclusions of Law

1. The Settlement Agreement is a reasonable disposition of the sole remaining issue disputed in this proceeding.

2. Applicant has complied with requirements of Rule 51.1 regarding the Settlement Agreement.

3. The Settlement Agreement should be approved.

O R D E R

IT IS ORDERED that:

1. The Settlement Agreement among all parties in this proceeding, dated February 7, 1990 and attached as Appendix A, is approved.

2. This proceeding is closed.

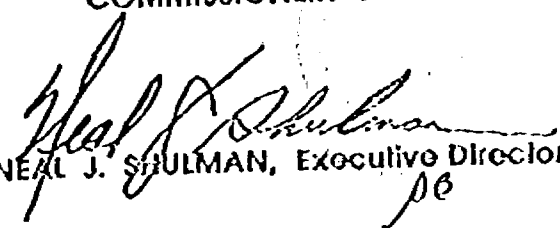
This order is effective today.

Dated MAY 22 1990, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director
js

APPENDIX A

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into on February 7, 1990, by and among the Los Angeles County Transportation Commission (Applicant) and four interested parties to Application No. 86-12-022. The Interested Parties are: the City of Los Angeles Department of Transportation (LADOT), Southern Pacific Transportation Company (SPT), United Transportation Union (Union) and the Commission Safety Division (Staff).

I.

RECITALS

WHEREAS, on August 24, 1988, the California Public Utilities Commission issued Interim Opinion D. 88-08-048 (Opinion), a copy of which is attached to this Agreement as Appendix A, authorizing the Applicant to construct two Light Rail

1.

APPENDIX A

Vehicle tracks on the acquired right-of-way of SPT's Wilmington Branch Line and to relocate two SPT tracks at grade across 20th Street, 24th Street, 41st Street, Vernon Avenue, 48th Place and 55th Street; close the existing crossing of Martin Luther King Boulevard (Santa Barbara Avenue); and to alter and relocate two of SPT's tracks at grade in Los Angeles, Los Angeles County; and

WHEREAS, the Opinion stated that the need to install traffic signals at the intersections of Long Beach Boulevard West and East at 55th Street would be resolved by further order of the Commission; and

WHEREAS, the sole issue remaining in this proceeding is whether to install a signal light or stop sign at the 55th Street railroad crossing; and

WHEREAS, the Applicant and the Interested Parties have arrived at an agreement concerning the traffic signal which they believe is reasonable and in the public interest;

NOW, THEREFORE, the Applicant and Interested Parties agree as follows:

II.

SETTLEMENT TERMS

The Applicant and the Interested Parties agree as follows:

1. Application 86-12-022 should be approved as submitted, subject to the following conditions subsequent:

- a. LADOT shall conduct a study for the six months following commencement of commercial light rail transit operation by the Applicant to determine if traffic signals should be installed at this intersection.
 - b. Traffic signals shall be installed at this intersection should the study conclude they are warranted.
 - c. If the study concludes that such signals are not warranted, LADOT shall conduct a similar study following an additional six months of commercial operation.
 - d. Traffic signals shall be installed if the second investigation finds them to be warranted.
 - e. If traffic signals are found not to be warranted after the second study, LADOT shall continue to monitor the traffic requirements at the intersection under the same standards applied by LADOT for all intersections.
2. The Settlement Agreement may be executed in one or more counterparts, and each counterpart shall constitute an original instrument but all such separate counterparts shall constitute only one and the same document.

APPENDIX A

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement pertaining to the issues raised in Application 86-12-022, in Los Angeles, on the above-mentioned date.

LOS ANGELES COUNTY
TRANSPORTATION COMMISSION

CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

By  _____
Title NEIL PETERSON
Executive Director

By _____
Title _____

SOUTHERN PACIFIC
TRANSPORTATION COMPANY

UNITED TRANSPORTATION
UNION

By _____
Title _____

By _____
Title _____

COMMISSION SAFETY DIVISION

By _____
Title _____

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LOS ANGELES COUNTY
TRANSPORTATION COMMISSION

CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

By _____

By Thomas Conner

Title _____

Title ASSISTANT GENERAL MANAGER 2/7/9.

SOUTHERN PACIFIC
TRANSPORTATION COMPANY

UNITED TRANSPORTATION
UNION

By John L. Con
Title General Atty.

By _____

Title _____

COMMISSION SAFETY DIVISION

By Raymond Dooney
Title SENIOR ENGINEER

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LOS ANGELES COUNTY
TRANSPORTATION COMMISSION

CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

By _____
Title _____

By _____
Title _____

SOUTHERN PACIFIC
TRANSPORTATION COMPANY

UNITED TRANSPORTATION
UNION

By _____
Title _____

By *[Signature]*
Title *State Director*

COMMISSION SAFETY DIVISION

By _____
Title _____

(END OF APPENDIX A)