

ORIGINAL

Decision No. 87032

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Gabriel, California, for an order authorizing lowering of the main line of the Southern Pacific Transportation Company and the construction of Ramona Street, Mission Drive, Del Mar Avenue, and San Gabriel Boulevard at separated grades, in the City of San Gabriel, Los Angeles County.

Application No. 55947  
(Filed September 19, 1975)

Graham A. Ritchie, Attorney at Law, for City of San Gabriel, applicant.  
Lila L. Cox and William E. Still, Attorneys at Law, for Southern Pacific Transportation Company;  
Richard M. Carman, for Better Government Association of California; Sister Patricia Layman, for Mission Grammar School; and Jim Mass, Helen Achilles, Mrs. Dorothy Schneider, Earl L. Friend, and C. S. Abernathy, for themselves; interested parties.  
Edward D. Stewart, for the Commission staff.

O P I N I O N

By this application the city of San Gabriel (City) seeks an order authorizing the lowering of the main line tracks of the Southern Pacific Transportation Company (SP) and to construct crossings at separated grades at Ramona Street, Mission Drive, Del Mar Avenue, and San Gabriel Boulevard. The City further requests that such order authorize the project upon the terms and conditions and division of costs and expenses as are, or may be, provided for in an agreement to be entered into between the City and SP, or in the event the parties fail to agree, that such costs be determined as provided by law. The City requests that the order provide three years within which the project is to be completed.

The Commission's file in this matter includes an Environmental Impact Report which was forwarded to the Commission by letter dated November 5, 1975. Attached to the letter of transmittal is a copy of a Notice of Determination dated November 5, 1975, wherein it is noted that the project had been approved by the City Council of the city of San Gabriel and that the project will not have a significant effect on the environment.

A duly noticed public hearing was held before Examiner Tanner on August 24 and 25, 1976 in San Gabriel. At the conclusion of the hearing the Better Government Association of California (BGAC) moved that this matter be continued for six months to allow time for further research into the various ramifications of this project. The motion was taken under submission, pending the receipt of information describing the nature of additional evidence to be presented at further hearings. The application was taken under submission with the understanding that the matter would be reopened for further hearing, if the information to be furnished by BGAC would support such action. To date no word has been received from BGAC. The motion is denied.

The main line of SP bisects the City near its center. North of the rail right-of-way are the city offices, the San Gabriel Mission, the Mission's grammar and high schools, the San Gabriel Community and San Gabriel Valley Hospitals, and a fire station. To the south there is a fire and police station and the San Gabriel High School. The civic center, which includes the city hall and civic auditorium and the San Gabriel Mission, is located on the north side of Junipero Serra Drive and Mission Drive, which in turn lie on the northerly boundary of the rail right-of-way.

Ramona Street, Del Mar Avenue, and San Gabriel Boulevard run in a north-south direction, while Mission Drive runs northwesterly and southeasterly. Mission Drive and Ramona Street intersect in the civic center, resulting in two rail crossings located adjacent to the civic center and the Mission.

According to the Commission's record of accidents occurring at the four crossings here in issue, there have been 147 accidents involving 19 fatalities and 47 persons injured.<sup>1/</sup> Automatic gate arms were installed in June 1964 at Del Mar Avenue and San Gabriel Boulevard and in May 1966 at Ramona Street and Mission Drive. Since the installation of gates, 64 accidents have occurred involving two persons injured and one fatality.

The City has considered separation of the four crossings for many years. The project was nominated for the annual grade separation priority list in 1974. The project was ranked 25th in the 1976-77 list.

A consulting engineer, engaged by the City, testified that his study revealed that in 1973 there was an excess of 400 minutes per day of delay to vehicles at the crossing; there are approximately 55,000 motorists crossing the tracks daily; there are about 50 buses crossing daily; and that on an average day 90 emergency vehicles (police, fire, and ambulance) cross the tracks daily. Additionally, pedestrian crossing is heavy, particularly school children on their way to and from the schools located on both sides of the tracks. The engineer contended that the lowering of the track would enhance property and particularly improve appearances of the civic center and the Mission.

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<sup>1/</sup> The records show that the first recorded accident occurred at San Gabriel Boulevard on October 5, 1926.

The tracks are to be placed in a trench 46 feet wide and 30 feet below the surface. It was the engineer's opinion that trains so placed would result in an attenuation of noise levels from 10. to 20 decibels. He further testified that, due to the sandy character of the soil, ground vibrations would be dampened, which would reduce the possibility of structural damage to nearby buildings.

The principal of the San Gabriel High School, the pastor of the Mission Church, a member of the San Gabriel Board of Education, the executive director of the San Gabriel Chamber of Commerce, and the mayor of the city of San Gabriel testified in support of the project. The high school principal voiced her concern for the safety of students. She cited occurrences of students who will climb through trains, pass bicycles under trains, and others who will hop on and ride. She also pointed out that both hospitals are north of the tracks, which can create a problem when an ambulance is called to take someone from the campus to a hospital. She also testified that San Gabriel High School is responsible for driver training for the three high schools in the district. The present at grade crossings are a hazard for such training, in spite of the fact that an adult is always present in the training automobile. She further testified that the noise of passing trains cause considerable distraction and disturbance at the school. She was of the opinion that the proposed separation of grades would eliminate most, if not all, of these problems.

The pastor of the Mission Church, who is also the church administrator, testified that the present noise level was such that services in the old mission church had to be interrupted while trains were passing. He was also concerned about the unsightliness of the present rail right-of-way and was of the opinion that lowering the tracks would improve the appearance of the general area.

This was particularly important in view of the Mission's historical and religious significance. He expressed concern over possible damage to the church due to underground vibrations. No study had been made by the church or the parish council to determine the effect the track-lowering might have on the Mission structures.

The mayor, while concerned about the general appearance of the present rail right-of-way, was primarily concerned with the impediment to the free movement of public safety and emergency vehicles. The mayor offered in evidence a report from the city administrator which shows that between July 1, 1974 and July 31, 1976 police patrol cars were detained 44 times for periods from one to seven minutes, a fire department ambulance was delayed 18 times for periods of one to four minutes, and fire department engines were detained 6 times for one to three minutes. There were 6 instances cited where police were delayed for periods ranging from 19 minutes to 1 hour and 40 minutes.

A member of the City Council, the principal of the Mission Elementary School, and two citizens testified in opposition to the proposed track-lowering. They questioned whether the project would in fact result in improved safety, the effect on the Mission and its structures, and the manner by which the City approved the project.

Regarding safety, there was considerable concern that the completed project may become an attractive nuisance, resulting in a greater hazard than now exists. This concern was based upon the close proximity of three schools, populated by students from kindergarten through high school ages. The existence of a five-foot chain link fence was cited as no deterrent to any child who was inclined to climb over it.

The principal of the elementary school was quite concerned about conditions during the construction period. The probable increase in automobile traffic after construction was cited as a new safety problem, as those streets near schools which now enjoy low traffic volume could become a major problem with the increased flow of vehicular traffic.

This project caused considerable controversy among the citizens of San Gabriel. There appear to be two basic questions which support the disagreement. First, the method employed by the City in approving the project. It is contended that it was conceived, designed, and approved in secrecy and ramrodded through without seeking or securing the consensus of the citizens of the community. One member of the City Council supports this view. Secondly, it is contended that the solution is far too elaborate for the problem, resulting in an excessive expenditure of public funds. BGAC is the primary proponent of this argument. A third issue which is shared by the proponent as well as the opponents is the Mission. All readily agree that this irreplaceable object of great historic and religious significance must not suffer.

Regarding the first two issues, both involve questions which can only be decided at the local level. There is nothing in this record which would support an allegation of wrongdoing on the part of the City Council. If the project lacks the support of a majority of the citizens of the City, an appropriate remedy is available, either by referendum or through the City Council or the courts.

There is no evidence regarding the issue of whether the proposed separation is too elaborate; therefore, we need not concern ourselves on that point.

The evidence of record clearly demonstrates that the existing crossings in the City constitute a hazard, particularly as such crossings have in the past and will in the future obstruct and interfere with the free movement of public service and safety vehicles and that the proposed separation of grades will eliminate most of such hazard. The evidence also shows that while certain hazards will be eliminated new ones will be created. The proposed fence should be located a sufficient distance from the rim of the trench to prevent a person from falling or leaping into the trench. Furthermore, in view of the schools located in the vicinity of the rail right-of-way, the fence should be equipped with barbed wire strung on diagonal arms along the fence top or other suitable measures to prevent or impair attempts to climb over the fenced areas.

The evidence of record indicates that adequate steps were taken to determine the effect the proposed grade separation might have on the Mission. According to the consulting engineer, a consultant was engaged during the feasibility study to investigate acoustics and vibrations. The study indicated that by placing a train in a trench, there will be an attenuation of noise-emitting characteristics of the train and an unquantified reduction of vibration.

The consulting engineer testified that the soil borings taken throughout the length of the project were entirely silty sand. No rock strata was encountered. The engineer explained that the concrete walls on either side of the trench will go well below the track level and are to be about 18 inches wide. This design, together with the soil characteristic, would serve as a barrier to vibrations. He pointed out that the distance from the proposed trench to the Mission is too great to cause any disturbance to the Mission's foundations. The engineer was of the opinion that the proposed trench would not jeopardize the Mission in the event of an earthquake or seismic movement.

Findings

1. Public interest requires separation of grades at Ramona Street (Crossing No. B-490.2), Mission Drive (Crossing No. B-490.3), Del Mar Avenue (Crossing No. B-490.7), and San Gabriel Boulevard (Crossing No. B-491.2) in the city of San Gabriel, county of Los Angeles, as proposed in Application No. 55947.

2. Upon completion of the grade separation project, as proposed, the existing grade crossings will be eliminated.

3. Construction and maintenance expenses should be borne in accordance with an agreement to be entered into between the parties relative thereto.

4. The city of San Gabriel is the lead agency for this project and on November 5, 1975 approved an Environmental Impact Report. The Commission has considered the Environmental Impact Report in rendering its decision on this project.

The Commission accepts the applicant's Environmental Impact Report and finds that:

- (a) The environmental impact of this proposed action is not significant.
- (b) The planned construction is the most feasible and economical that will avoid any environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

Conclusion

On the basis of the foregoing findings we conclude that the application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

- 1. The city of San Gabriel is authorized to construct a grade separation project at the intersection of Ramona Street, Mission Drive, Del Mar Avenue, and San Gabriel Boulevard, to be identified as



Crossings Nos. B-490.2-A, B-490.3-A, B-490.7-A, and B-491.2-A, respectively, in the city of San Gabriel, county of Los Angeles, substantially in accord with the plans attached to Application No. 55947 as Exhibit B.

2. Construction of the temporary detour crossings shall be equal or superior to Standard No. 1 (General Order No. 72-B), and the temporary detour crossings shall be protected by relocating the automatic gates at the respective existing crossings.

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

4. The existing at grade crossings and the temporary detour crossings shall be abandoned and physically removed upon completion of the project.

5. Construction and maintenance expenses shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the project approved by the Southern Pacific Transportation Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

6. 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 three years

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unless time be extended. This 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 15<sup>th</sup> day of MARCH, 1977.

Robert Bateman

President

William Lyons Jr.

James J. Sturgeon

John

Richard W. Swales

Commissioners