

Decision No. 88791 MAY 2 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
 LOS ANGELES & SALT LAKE RAILROAD
 COMPANY and its Lessee, UNION
 PACIFIC RAILROAD COMPANY, for an
 order authorizing the construction,
 maintenance and operation of a
 connecting track over Southern
 Pacific Drive, Foote Avenue off-ramp,
 Grant Street, and Alley East of
 Foote Avenue and Alley East of Foote
 Avenue North of Southern Pacific
 Drive, in the City of Los Angeles

Application No. 57268
 (Filed May 2, 1977)

INTERIM OPINION

The Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company, request authority to construct a track connecting the Union Pacific Railroad Company's San Pedro Branch Line to the Southern Pacific Transportation Company's Long Beach Branch Line at grade across Grant Street and alley east of Foote Avenue, Foote Avenue off-ramp, an alley north of Southern Pacific Drive east of Foote Avenue and Southern Pacific Drive, all in the City of Los Angeles, Los Angeles County.

The proposed connecting track will permit more direct movement of unit trains into the Long Beach Harbor area. Presently, unit trains must be delivered to applicants' yard and then rerouted onto Southern Pacific's branch line, entailing the backing of long trains.

Grant Street is a dirt street with limited use. The alley east of Foote Avenue, the alley north of Southern Pacific Drive east of Foote Avenue and Southern Pacific Drive are paper streets, not presently open to public use. The City of Los Angeles, however, states that improvements for these streets are presently under design by the City's Harbor Engineering Office.

Rule 40 of the Commission's Rules of Practice and Procedure requires, among other things, that an application to construct a track across a public highway include:

"Rule 38

"c) A statement showing the public need to be served by the proposed crossing.

- "h) A profile showing *** the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing".

With the exception of Foote Avenue off-ramp, the railroads cannot comply with the above-noted requirements until such time as design details for the balance of the streets named in the application have been completed. Additionally, Grant Street, the only involved street other than Foote Avenue off-ramp which is presently open to public use, should be physically closed and barricaded to preclude its use as a crossing of the connecting track.

The applicant railroads are anxious to commence construction of the connecting track and all parties are in agreement as to the necessity for its construction. The City of Los Angeles has further agreed that it would have no objection to the granting of an interim order authorizing construction of the connecting track across Foote Avenue off-ramp, so long as a reasonable period of time is allowed for completion of the design for the balance of the streets, as set forth in the instant application.

Consideration of the public need for crossings at grade by the connecting track of Grant Street and alley east of Foote Avenue, an alley east of Foote Avenue north of Southern Pacific Drive and Southern Pacific Drive, and if there be a public need, the type of crossing construction and the type of protection to be installed at the crossings, will be deferred to provide the City of Los Angeles a reasonable period of time to complete the requisite design details.

Notice of the application was published in the Commission's Daily Calendar of May 3, 1977.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct a track connecting the Union Pacific Railroad Company's San Pedro Branch Line to the Southern Pacific Transportation Company's Long Beach Branch Line at grade across Foote Avenue off-ramp in the City of Los Angeles, Los Angeles County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 3A-21.47-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be two Standard No.9-A automatic gate-type signals with cantilevers (General Order 75-C).
5. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.
6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant.
7. Grant Street should be physically closed and barricaded to preclude its use as a crossing of the connecting track.
8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
9. Applicant has not complied with Rule 40 of the Commission's Rules of Practice and Procedure insofar as showing the public need and providing design details for crossings at grade by the connecting track of Grant Street and alley east of Foote Avenue, an alley east of Foote Avenue north of Southern Pacific Drive and Southern Pacific Drive.
10. Applicant should be allowed a reasonable period of time to comply with the requirements of Rule 40, as set forth in Finding 9, above.

C O N C L U S I O N S

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

I N T E R I M O R D E R

IT IS ORDERED that

1. The Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company, are authorized to construct a connecting track at grade across Foote Avenue off-ramp in the City of Los Angeles, Los Angeles County, as set forth in the findings of this decision.

2. Within thirty days after completion of the Foote Avenue off-ramp crossing, pursuant to this order, applicant shall so advise the Commission in writing.

3. The issues concerning crossings at grade by the connecting track of Grant Street and alley east of Foote Avenue, an alley east of Foote Avenue north of Southern Pacific Drive and Southern Pacific Drive shall be decided by further order of the Commission.

4. Applicant shall have one year from the effective date of this order to file with the Commission data concerning the public need and design details of the crossings listed in Ordering Paragraph 3, above, in compliance with Rule 40 of the Commission's Rules of Practice and Procedure.

5. Should applicant not furnish additional data and design details to the Commission within one year from the effective date of this order, in compliance with Ordering Paragraph 4, above, this order shall be the final order of the Commission.

Authorization to construct the Foote Avenue off-ramp crossing shall expire if not exercised within one year 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.

The effective date of this order shall be thirty days after the date hereof.

- Dated at San Francisco, California, this 2nd day of MAY, 1978.

Robert B. Berman
President
William J. Mason Jr.
Vernon L. Stinson
Robert D. Howell
Clair J. Delord
Commissioners