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ORIGINAL

Decision No. S9200 AUG 8 - 1978

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, re the construction of)
a roadway on WINNETKA AVENUE at grade)
across the Southern Pacific Trans-)
portation Company's Coast Line tracks)
between PLUMMER STREET and NORDHOFF)
STREET.)

Application No. 57109
(Filed February 23, 1977;
amended January 3, 1978)

Burt Pines, City Attorney, by
Edward J. Perez, Attorney at
Law, Deputy City Attorney,
for applicant.

William E. Still, Attorney at
Law, for Southern Pacific
Transportation Company,
interested party.

Steven Weissman, Attorney at
Law, for the Commission staff.

O P I N I O N

By its amended application the City of Los Angeles (City) requests authorization to construct Winnetka Avenue at grade across the Coast Line tracks of the Southern Pacific Transportation Company (SP). City proposes that the crossing be protected by four Standard No. 8 flashing light signals supplemented by four automatic short-arm gates (four Standard No. 9 signals as described in General Order No. 75-C), and that the proposed crossing contain 8-foot-2-inch-wide curbed islands for center gates and street lighting facilities on both sides of the crossing. The legal description of the proposed project is set forth in Paragraph III of the amended application.

The Commission staff contends that the authority requested should not be granted unless the crossing is constructed at separated grades as originally proposed by City. By letter dated April 19, 1977 SP stated its objection to the project on the grounds that no accommodation was made in City's plans for the railroad's existing maintenance roadway. At the hearing this objection was withdrawn.

A hearing was held in Los Angeles before Administrative Law Judge James D. Tante on March 13, 1978 and the matter was submitted upon receipt of a late-filed exhibit, pertaining to City's Environmental Impact Report, on or before April 10, 1978.

Robert M. Wilkinson, Councilman, and Leslie E. Corkill, Public Utilities Engineer of the Department of Public Utilities and Transportation, testified for City. John F. McAllister, Public Project Engineer for SP, testified for SP. Edward D. Stewart, Associate Transportation Engineer, testified for the Commission staff.

Exhibit 1, the prepared testimony of Leslie E. Corkill; Exhibit 2, a map of the area surrounding the proposed crossing; Exhibit 3, a map showing the proposed crossing; Exhibit 4, a drawing of the proposed industrial development; Exhibit 5, the Commission staff report; and Exhibit 6, the initial and the addendum to the Environmental Impact Report (late-filed exhibit), were received in evidence.

There is no dispute as to the proposed plans for the grade crossing or the equipment to be used for protection at the proposed crossing. The only dispute is between City and the Commission staff as to whether the authority requested should be granted.

Winnetka Avenue is presently designated as a major highway from Ventura Boulevard on the south to Devonshire Street

on the north, a distance of approximately 5.95 miles. It passes under the Ventura Freeway about 500 feet north of Ventura Boulevard with on- and off-ramps provided in both directions. South of Ventura Boulevard it is a collector street serving the Woodland Hills area. North of Devonshire Street it serves the Porter Ranch area.

From the SP's right of way north to Devonshire Street Winnetka Avenue is now a paved street 80 feet wide between the curbs. South of SP's right of way it is paved and 80 feet wide between curbs to the SP's Burbank branch line where the Winnetka Avenue grade crossing (Crossing BY-451.3) is 75 feet wide and protected by four Standard No. 9 automatic gate-type signals. When the uncompleted Simi Valley Freeway is extended as planned, there will be on- and off-ramps for connection to Winnetka Avenue north of Devonshire Street and substantial additional traffic will be added to the crossing.

SP's tracks consist of a main line and a parallel spur track on the northerly side of the main line as shown on Exhibit 3. The tracks run generally in a northwesterly to southeasterly direction on a slight descending grade. Timetable train speed limits are 60 miles per hour for passenger trains and 55 miles per hour for freight trains.

The nearest crossing, approximately one-half mile southeasterly of the proposed crossing, is Corbin Avenue (Crossing E-448.3), which as of 1975 had an average daily traffic of 18,300 vehicles. It is 80 feet wide and the grade crossing is protected by four Standard No. 9 automatic gate-type signals.

The nearest crossing northwesterly from the proposed crossing is DeSoto Avenue (Crossing E-446.8), about one mile from the proposed crossing, and which, as of 1975, had an average daily traffic of 28,700 vehicles. It is an 80-foot-wide thoroughfare and the grade crossing is also protected by four Standard No. 9

automatic gate-type signals. Exhibit 2 shows the location of the Corbin Avenue and DeSoto Avenue crossings.

The land area of approximately 152 acres north of SP's tracks is bounded by Plummer Street on the north, Corbin Avenue on the east, and Winnetka Avenue on the west, and is presently used for farming purposes. The land is owned by the Southern Pacific Industrial Development Company, a wholly owned subsidiary of SP. It is proposed that the land will be subdivided into 35 lots for an industrial park, most of which will adjoin SP's railroad spur tracks.

On the west side of Winnetka Avenue, immediately north of SP's tracks, there is a large drive-in theater which has its entry on Prairie Avenue and one of the two exits on Winnetka Avenue. The area immediately south of its tracks on both sides of Winnetka Avenue to Nordhoff Street is used for industrial purposes.

The corridor between DeSoto Avenue on the west and Corbin Avenue on the east is primarily residential and includes schools, churches, parks, and fire stations both north and south of the tracks.

The city councilman testified that the proposed crossing is within the area that he represents, and he is familiar with the plans for the crossing and the area in which the proposed crossing is situated. He testified that the need for a crossing at Winnetka Avenue is important, without such a crossing industrial development will be deterred preventing additional employment opportunity, and the people who live or drive in the area will suffer inconvenience.

The witness testified that Tampa Street and DeSoto Street are major highways and each is approximately one mile from the proposed crossing. He stated that Corbin Street is not a major highway. He stated that 80 percent of the people who live in the

Simi Valley and are employed outside of that valley use Corbin or DeSoto Streets to get to and from work, causing extremely heavy traffic on those streets. He testified that the construction of the proposed crossing would greatly reduce the traffic on the other streets in the neighborhood, and without the authority requested it may be many years before a grade separation can be constructed. He stated that the delay which would be occasioned by waiting for the construction of a grade separation would have a serious effect on traffic and the employment problem in that area. He testified that if the authority requested is granted, he expects that a grade separation will be constructed within the next five to ten years.

The engineer for the city testified that recent traffic counts showed that approximately 37,000 vehicles per day used the DeSoto crossing and more than 30,000 vehicles per day used the Corbin crossing. He testified that in his opinion the traffic flow at the proposed crossing on Winnetka Avenue would be approximately 23,000 vehicles per day.

The witness testified that the four automatic crossing gates at the DeSoto Avenue crossing were installed in December of 1968 and the Commission's vehicle-train accident record indicates that no accidents have occurred since that time. He testified that the Corbin Avenue crossing was opened with four automatic crossing gates in September of 1964 and there has been only one minor accident since that time, on June 26, 1971, which did not result in death or injury. He testified that the four automatic crossing gates were installed at the Tamra Avenue crossing, approximately one mile to the southeast of the proposed crossing, in August 1971, and the record indicates that no accidents have occurred at this crossing since that time. He stated that considering the three crossings together, in approximately 30 crossing

years there was only one accident in which there was no injury or death. He testified that it was his opinion that by the construction of the proposed crossing the hazard potential at the Corbin Avenue and DeSoto Avenue crossings would be lessened. He stated that the traffic flow over these two crossings would be reduced because of the 23,000 vehicles now using these crossings which would use the proposed Winnetka Avenue crossing when it is opened to traffic.

The City's witness further testified that City originally planned to construct the proposed Winnetka Avenue crossing at separated grades and nominated Winnetka Avenue as a proposed crossing for statewide priority consideration by the Commission under Case No. 10214 filed November 30, 1976. This case was a Commission Order Instituting Investigation to establish a list of existing and proposed crossings in most urgent need of separation for the fiscal year 1977-1978. Decision No. 87495, dated June 19, 1977, positioned the Winnetka Avenue nomination as Priority 62 of a list of 68 nominations. He stated that this low priority standing virtually eliminated any possibility of City obtaining 50 percent funding or any funding from the state grade separation fund for the grade separation. Because of the low statewide priority consideration, the City filed an amendment to its application requesting the present authority to build the crossing at grade.

The public project engineer for SP testified that there are a total of 13 train movements per day at the location of the proposed crossing consisting of two passenger trains, eight through freight trains, and three local freight trains.

The passenger trains are scheduled to arrive at the proposed crossing at 10:45 a.m. and 7:00 p.m. each day. The through freight trains are unscheduled and can arrive at the

crossing at any time. Generally, at least one freight train goes in an easterly direction and at least one goes in a westerly direction, arriving at the proposed crossing at approximately 2:00 a.m. to 6:00 a.m. each day. The freight trains consist of as many as 100 cars and are approximately one and one-half miles in length. Usually the freight trains proceed at the location of the proposed crossing at approximately 55 miles per hour, which would require approximately one and one-half to two minutes to traverse the crossing.

The witness testified that two sets of tracks would cross Winnetka Avenue at the proposed crossing, but that there would only be one set of tracks at the other crossings in close proximity to Winnetka Avenue. He stated that the second set of tracks would be for the purpose of switching and not for through traffic. He stated that there would be no increase in the total number of trains by reason of the construction of the proposed crossing.

He testified that the construction of the proposed crossing at grade would cause no undue blocking of traffic at the location, and that the proposed crossing would be as safe as the present crossings at Corbin, DeSoto, and Tampa Streets. He stated that SP has no plans to construct a siding and now withdraws any objection it may have had based upon any proposed plan to construct a siding at or near the proposed crossing.

The witness testified that currently only four or five nominations for financial assistance for grade separations are being funded per year and in the absence of any new nominations it would take 12 to 15 years for approval and financial assistance at the location of the proposed crossing. He stated that it was his opinion that the total cost of the construction at grade would be \$200,000, but that the cost of a grade separation would be \$2.5 million to \$3 million. He stated that if

authority is granted as requested, he was of the opinion that there would be no dispute between City and SP as to the cost of constructing the proposed crossing, but that it would be desirable for the Commission to maintain jurisdiction to resolve such a problem if it existed in the future.

The staff report (Exhibit 5) states that the staff endorses and supports the statements contained in City's final environmental impact report which was prepared pursuant to its original request for authority for a grade separation crossing as follows:

- "1. On Page 2 of the summary - 'The proposal presented will, in our estimation, satisfy the needs best. The additional criteria of traffic safety, economics and aesthetics are also best served by this proposal.'
- "2. On Page 3 (B) of the environmental study - 'The opening of Winnetka Avenue will provide a more direct route for many vehicles than now exists. This will mean a safer, more efficient route for all vehicles, including the police, fire, and other emergency vehicles.'
- "3. On Page 6 (E) - 'The lack of a through street has effectively prevented the movement of people on Winnetka Avenue between Nordhoff Street and Plummer Street. The adjacent crossing to the west, De Soto Avenue, and the next two adjacent crossings to the east, Corbin Avenue, and Tampa Avenue are crossings at grade and, therefore, subject to stoppages occasioned by train movements.'
- "4. On Page 11, referring to alternatives - 'At grade crossing: This proposal was considered undesirable because train and vehicular traffic conflicts would still exist and this proposal would not provide as safe a traffic facility as a grade separation.'

"5. On Page 39, in answer to a letter from the Los Angeles Area Chamber of Commerce Public Transportation Committee chairman - 'The crossing at grade, however, would be an inconvenience to motorists in the form of vehicular delays. It is also an inconvenience to the railroad in that this intersection would have to be kept clear at all times. There are several businesses in the immediate vicinity which use the railroad for their transportation needs. The railroad would have to modify their operations to maintain service to these businesses.'

"'If an at grade crossing is constructed and a later decision is made to construct a grade separation, an additional cost of approximately 1/2 million dollars would be incurred due to the need for a detour road. Once traffic becomes established, it would be necessary to accommodate this traffic. A temporary bridge over the existing storm drain channel would be required for the detour road. Extensive easements would be required for the detour road only. This would create a major disruptive effect to those businesses from which the easements are required.'"

The staff witness testified that construction of Winnetka Avenue as a grade crossing will not serve the needs of the people of City either as safely or as well as a grade separation. He stated that emergency vehicles and vehicles generally will be subject to the same delays which occur at the adjacent crossings of Corbin and DeSoto Avenues and that such delays will be aggravated by the anticipated increases in vehicular and train traffic.

The witness testified that it was his opinion that if a grade separation crossing at Winnetka Avenue could be constructed within five or six years, it would be in the best interests of the people of that community to wait until that time and City should be denied authority to proceed with a crossing at grade; however,

if such a grade separation crossing could not be constructed for the next 10 or 12 years, then it would be in the best interests of the people in the community to grant City the authority as requested.

Rule 17.1(n)(1)(B)3. of the Commission's Rules of Practice and Procedure provides "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.^{1/} The Commission would be the lead agency as to all other such projects." In this case, City is the lead agency and is charged with the responsibility of complying with the California Environmental Quality Act of 1970 (CEQA), as amended. Exhibit 6, an Environmental Impact Report (EIR), has been prepared by City, and City's Council has reviewed and considered the information contained in the report, and has approved the report and the construction of the grade crossing as proposed.

Findings

1. City requests authorization to construct a crossing at grade to be identified as Crossing E-447.8 of SP's Coast Line tracks at Winnetka Avenue.

2. The proposed roadway, a portion of an extension of Winnetka Avenue in City, would be a paved street 80 feet wide between the curbs and constitute a primary highway.

3. SP presently runs eight through freight trains and three local freight trains per day over the proposed crossing. The through freight trains consist of as many as 100 cars extending one and one-half miles and usually travel at approximately 55 miles per hour, the maximum allowable train speed in the vicinity of the crossing. Two Amtrak passenger trains, one in a northerly direction and one in a southerly direction, traverse the proposed crossing each day. The three local freight trains pick up cars in

^{1/} "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project..."
(Section 21067, Public Resources Code.)

the area and assemble them for the purpose of transferring them to an area where they will be made part of a larger train.

4. The proposed traffic upon the completion of the grade crossing at Winnetka Avenue will be approximately 23,000 vehicles per day.

5. City is the lead agency as defined in CEQA, and has given its approval to the project.

6. The cost of the grade crossing is approximately \$200,000, including four Standard No. 9 signals (General Order No. 75-C), 8-foot-2-inch-wide curbed islands for center gates, and street lighting facilities on both sides of the crossing. The cost of a grade separation crossing at Winnetka Avenue would be approximately \$2.5 million to \$3 million.

7. There is a public need for construction of a crossing at Winnetka Avenue over the SP Coast Line tracks. The necessary funds for a grade separation project will not be available on a timely basis.

8. The crossing at grade should be authorized provided that the crossing is protected, as required by General Order No. 75-C, as set forth in Finding 6, above.

9. City is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on March 24, 1978 approved its EIR which has been filed with the Commission as Exhibit 6 herein. The Commission has considered the EIR in rendering its decision on this project and finds that:

- (a) The environmental impact of the proposed action is significant.
- (b) The EIR identifies an increase in mobile emissions as an adverse impact. This cumulative impact cannot be mitigated as this is a regional problem and cannot be resolved on a case-by-case basis. However,

a citywide parking management plan, a federally mandated requirement, is nearing completion and its regulations will soon be imposed on a comprehensive citywide basis. Measures of the plan will help mitigate this impact on a regional basis.

- (c) All of the other adverse impacts can be mitigated to an acceptable level by implementing measures recommended by the EIR, existing codes, and/or by City agencies.
- (d) The project will necessitate construction employment and will provide employment for many people in the West Valley.
- (e) The proximity of manufacturing and warehousing to the railroad will reduce the need for truck traffic on the highways. Improved circulation patterns may be realized by this project. Employing people in the West Valley could mean a substantial saving in fuel, air pollution, and in traffic congestion.
- (f) The planned construction is the most feasible and economical that will minimize environmental impact.
- (g) There are no known irreversible environmental changes involved in this project.

The Commission concludes that the application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. The City of Los Angeles is authorized to construct a crossing at grade of the extension of Winnetka Avenue over the Southern Pacific Transportation Company Coast Line tracks to be

identified as Crossing E-447.8 located in Los Angeles, Los Angeles County, as set forth in the findings herein.

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

3. Construction and maintenance expense of the crossing and installation of the automatic protection shall be in accordance with an agreement to be entered into between the City of Los Angeles and the Southern Pacific Transportation Company, and a copy of said agreement, together with plans pertaining to the crossing, shall be filed with the Commission thirty days prior to commencing construction. If the parties fail to agree on such expense and costs, at the request of either party the Commission will apportion the cost of construction and maintenance by further order.

4. Dimensions, configurations, clearances, and walkways shall be substantially in accordance with the plan in Exhibit 3 and shall comply with applicable rules and general orders of the Commission.

5. Within thirty days after completion, pursuant to this order, the City of Los Angeles shall so advise the Commission in writing.

6. Maintenance of the crossing shall be in accordance with General Order No. 72-B. Maintenance costs of the automatic protection shall be borne by the parties as provided by Section 1202.2 of the Public Utilities Code.

7. This authorization shall expire if not exercised within one and one-half 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 thirty days after the date hereof.

Dated at San Francisco, California, this 8th day of AUGUST, 1978.

Val F. Buttrick
President

Vernon L. Sturgeon

Charles W. Hoyle

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.