

SD

Decision No. 89930 JAN 30 1979

**ORIGINAL**

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, acting by and through its Board of Harbor Commissioners, for authority to construct a grade crossing over the West Yard in the Wilmington district of the City of Los Angeles, County of Los Angeles, State of California.

Application No. 58349  
(Filed September 11, 1978)

O P I N I O N

As part of the project for "Construction of Roadways at Rear of Berths 139 and 144," the City of Los Angeles, acting by and through its Board of Harbor Commissioners, requests authority to construct Water Street at grade across the West Yard tracks of the Southern Pacific Transportation Company in the Wilmington District of the City of Los Angeles, Los Angeles County.

The Los Angeles Harbor Department is the lead agency for the "Construction of Roadways at Rear of Berths 139 and 144" project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the Board of Harbor Commissioners approved the project and on August 23, 1978, filed a Notice of Determination with the Los Angeles County Clerk which found that "This project WILL NOT have a significant effect on the environment."

Applicant states that there is an immediate need for the proposed Water Street grade crossing in order to provide the tenant at Berth 140 with convenient access to the newly developed storage area adjacent to Water Street. It is, therefore, requested that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on September 11, 1978. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct Water Street at

grade across the West Yard tracks of the Southern Pacific Transportation Company in the Wilmington District of the City of Los Angeles, Los Angeles County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing BG-503.9-C.

2. Construction of the crossing should be equal or superior to Standard No. 2 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 automatic-gate type signals (General Order 75-C).

5. Construction expense 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 pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossing, approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. The Los Angeles Harbor Department is the lead agency for the "Construction of Roadways at Rear of Berths 139 and 144" project pursuant to the Environmental Quality Act of 1970, as amended, and on July 26, 1978, approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in the project.

9. The Los Angeles Harbor Department's tenant at Berth 140 has immediate need for access to a newly developed storage area and, therefore, the usual thirty-day waiting period should be waived.

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:

O R D E R

IT IS ORDERED that:

1. The City of Los Angeles is authorized to construct Water Street at grade across the West Yard tracks of the Southern Pacific Transportation Company in the Wilmington District of the City of Los Angeles, Los Angeles County, as set forth in the findings of this decision.

2. 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 one year 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 is the date hereof.

Dated at San Francisco, California, this 30th day of JANUARY, 1979.

Richard D. Howell  
PRESIDENT

Veronica L. Sturgeon  
Clair T. DeLoach

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COMMISSIONERS

Commissioner John E. Bryson  
Present but not participating.

Commissioner Leonard M. Grimes, Jr.  
Present but not participating.