

MAR 4 1980

Decision No. 91404

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the safety, maintenance,)
 operation, use, and protection of all)
 public grade crossings over the)
 Southern Pacific Company's El Paso)
 line between Los Angeles and Ontario,)
 the Union Pacific Railroad Company's)
 main line between Los Angeles and)
 Ontario, and The Atchison, Topeka)
 and Santa Fe Railway Company's main)
 line between Los Angeles and Upland)
 and between Los Angeles and La Mirada.)

Case No. 7521

O. J. Solander and Gene Bonnstetter,
 Attorneys at Law, for California
 Department of Transportation,
 petitioners.

Alfred P. Johnson, for City of Montebello;
Gilbert T. Matthews, for City of
 La Mirada; and John R. Price, for City
 of Santa Fe Springs; protestants.

Douglas Ring, for Supervisor Baxter Ward,
 Los Angeles County; Frederick C. Ohly,
 for National Railroad Passenger Corp.
 (Amtrak); F. G. Pfrommer, Attorney
 at Law, for Atchison, Topeka & Santa Fe
 Railway Company; and James P. Jones
 for California Legislative Board,
 United Transportation Union; interested
 parties.

William J. Jennings, Attorney at Law,
 for the Commission staff.

OPINION AND ORDER

In January of 1963, the California Public Utilities Commission (Commission) instituted an investigation into the safety, maintenance, operations, use and protection of railroad crossings in the eastern part of Los Angeles County and the western part of San Bernardino County. The investigation resulted in the issuance of Decision No. 67887, dated September 24, 1964. This decision ordered the upgrading of crossing protection and a limitation on the speed at which trains could be operated over certain crossings. In particular, The Atchison, Topeka and Santa Fe Railway Company was ordered to operate at speeds of 65 miles an hour or less at all grade crossings between Los Angeles and La Mirada (Alondra Blvd.), inclusive. The ordered improvements have since been made.

The California Department of Transportation (Caltrans), by the instant petition, now seeks to have Decision No. 67887 modified to remove the 65 miles per hour speed limit on the lines of The Atchison, Topeka and Santa Fe Railway Company between Los Angeles and La Mirada for the purpose of allowing higher speeds of passenger trains which would increase passenger service on this line. Caltrans also requests that the costs of any improvement required be apportioned in accordance with agreements to be negotiated between the affected parties.

A public hearing on the petition was held on June 21, 1978, in Los Angeles. The proceeding was submitted on September 24, 1979, upon the filing of a late-filed exhibit by Caltrans regarding noise generated by faster moving trains. The petition was opposed by the City of Montebello, City of La Mirada and the City of Santa Fe Springs.

The primary Caltrans witness testified as to the longstanding state policy of improving the San Diego/Los Angeles rail passenger service. He stated that it was the goal of Caltrans to shorten the total travel time on the San Diego/Los Angeles route by at least 20 minutes and that the removal of the 65 mph limit between Los Angeles and La Mirada could reduce the travel time by as much as 6 minutes. The witness also testified that the at-grade crossings would be safe for trains traveling up to 90 mph, subject to minor alterations.

The Caltrans goal of improving passenger service between San Diego and Los Angeles was supported by Supervisor Baxter Ward of Los Angeles County and by the National Railroad Passenger Corp. (Amtrak).

Although no parties presented evidence in opposition to the petition, three of the cities along the route in question took positions in opposition to the petition for various reasons. The City of Santa Fe Springs and the City of La Mirada opposed on the basis that any increased train speed would result in a corresponding increase in the hazards at the grade crossings. The City of Montebello opposed primarily on the basis of increased noise resulting from the increased train speeds.

Staff Position

The staff witness stated that he did not oppose the grant of the petition but recommended that any grant of authority be conditioned on the minor improvement of protection at fourteen grade crossings, as shown in the appendix to his Exhibit No. 3. In addition to the upgrading of protection, the staff witness also recommended that one crossing be closed (DeCosta Avenue, Santa Fe Springs).

If these recommendations are followed, it was the opinion of the witness that trains could be operated over the crossings at substantially increased speeds without further increasing the likelihood of accidents.

Discussion

Although the California Public Utilities Code provides the Commission with jurisdiction over the safe operation of railroad corporations, the Commission has not generally asserted this jurisdiction to regulate the speeds at which trains may operate. The Federal Railway Administration (F.R.A.) has established a system of regulations whereby the permissible speed of a train is contingent on the classification of the roadbed. Thus, if we do not impose any speed limits on train service, the railroad companies are still required to operate in a safe manner and in conformity with F.R.A. standards.

This Commission is well aware of the longstanding state policy of improving the passenger train service between Los Angeles and San Diego. Not only did Chapter 1349, of the 1976 statutes, discuss time-saving in the Los Angeles - San Diego corridor, but more recently Chapter 791 of the 1978 statutes modified this Commission's jurisdiction over rail speed limits. Also, the 1978 statute amended the California Public Resources Code to exclude projects, such as that involved in the instant proceeding, from the California Environmental Quality Act (California Public Resources Code Sect. 21000, et seq.). Thus, although there was much discussion at the hearing of the necessity of an environmental impact report and/or a negative declaration, this project does not require such a process as long as any grant of authority is confined to passenger rail operations California Public Resources Code Sect. 21085.5.

Even though this project is not subject to the environmental impact report process, environmental factors constitute major issues for our consideration. In the instant proceeding, noise was the only environmental issue raised by the parties. The noise study (Exhibit 5), conducted by Caltrans, was the only evidence presented on this issue and is very important to our resolution of this proceeding.

The study (Exhibit 5) showed that passenger train noise increased approximately 4.5 dBA when train speeds increased from 65 to 90 mph. The study also showed that the noise barrier erected by the City of Montebello provided approximately 13 dBA attenuation.

It is clear that granting the petition, subject to the conditions imposed in the order, will provide adequate protection at grade crossings and will not result in increased train noise levels above a tolerable level.

Findings of Fact

1. Crossing protection between Los Angeles and La Mirada has been improved since September 1964 when Decision No. 67887 was issued.
2. Train speeds can be increased substantially between Los Angeles and La Mirada without increasing the risk of accidents.
3. The DeCosta Avenue crossing in Santa Fe Springs should be closed.
4. An increase of passenger train speeds from 65 mph to 90 mph results in an increase of noise of 4.5 dBA.
5. The benefits of passenger trains operating at 90 rather than 65 mph outweigh the negative effects of a 4.5 dBA increase in noise level.
6. The improvements recommended by the staff, as shown in the Appendix hereof, should be made before passenger trains exceed 65 mph.
7. The costs of the improvements required by Finding 6 above should be apportioned pursuant to agreement reached between the parties.

Conclusions of Law

1. California Public Resources Code Section 21085.5 exempts the action taken herein from the provisions of the California Environmental Quality Act.
2. Increasing the passenger train speeds, as requested in the petition filed herein, is a benefit to the people of California and results in no increased hazard to their health and safety.
3. The petition filed by Caltrans herein should be granted, subject to the limitations and conditions provided in the order.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company shall improve the automatic protection systems on its main line between Los Angeles and La Mirada, as set forth in the Appendix attached hereto.

2. Construction and maintenance expense of the crossing protection improvements shall be borne in accordance with an agreement entered into between the parties or, if they fail to agree, by further order of the Commission.

3. The crossing at DeCosta Avenue, Crossing 2-152.7, shall be abandoned and physically closed to public use within 30 days after the effective date of this order.

4. The Atchison, Topeka and Santa Fe Railway Company shall notify the Commission within 30 days after the closure of the DeCosta Avenue crossing and completion of the crossing protection improvements set forth in Ordering Paragraph No. 1 herein.

5. Upon completion of the crossing protection improvements ordered herein, Decision No. 67887 shall be modified to remove the 65 mph speed limit restriction on passenger trains traveling on the main line of the Atchison, Topeka and Santa Fe Railway Company between Los Angeles and La Mirada.

6. To the extent not granted herein, the petition is denied.

The effective date of this order shall be 30 days from the date hereof.

Dated MAR 4 1980, at San Francisco, California

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

John E. Bryson
President

James L. Strangon

Charles W. Hinkle

Samuel W. Dennis
Commissioners

SUMMARY OF PROPOSED CROSSING IMPROVEMENTS
THE ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY MAIN LINE
LOS ANGELES TO LA MIRADA (ALONDRA BOULEVARD)

Item	Name & No. of Crossing	City	No. of Traffic			Present Protection	Proposed Improvements
			Lanes	No. of Trks. M. L.	Other		
1	Eastern Avenue 2-147.3	Commerce	6	2	1	2-19	Add 2 Cantilever F.L., Add 1 F.L. Head for Rt. Turns from 26th Street.
2	Greenwood Avenue 2-149.5	Montebello	5	2	1	2-19	Add 2 Cantilever F.L., Add 2 F.L. Heads for turning movements from Sycamore Street.
3	Serapis Avenue 2-151.3	Pico Rivera	2	2	1	2-19	Add 1 Cantilever F.L. with back lights. Add 1 F.L. Head for Lt. turns from Rivera Road
4	Passons Boulevard 2-151.45	Pico Rivera	5	2	-	3-19 1-18	Add 2 F.L. Heads for turning movements from Rivera Road
5	Pioneer Boulevard 2-152.29	Santa Fe Springs	5	2	-	2-19	Add 2 Cantilever F.L. plus median islands. Add 2 F.L. Heads for turning movements from Rivera Road
6	De Costa Avenue 2-152.7	Santa Fe Springs	2	2	-	2-13	Close
7	Norwalk Boulevard 2-153.1	Santa Fe Springs	5	2	2	4-19	Remove Tree
8	Los Nietos Road 2-153.4	Santa Fe Springs	2	2	-	2-19	Add 2 back lights, one for each #9.

SUMMARY OF PROPOSED CROSSING IMPROVEMENTS
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY MAIN LINE
LOS ANGELES TO LA MIRADA (ALONDRA BOULEVARD)

Item:	Name & No. of Crossing:	City	No. of Traffic Lanes:	No. of Trks. H. L.:	Other:	Present Protection:	Proposed Improvements
*9	Santa Fe Springs Road 2-154.1	Santa Fe Springs	2	2	1	2-#9	Add 1 F.L. Head for Lt. turns from Romandel Avenue. (Separation under construction)
*10	Telegraph Road 2-154.6	Santa Fe Springs	4	2	1	2-#9	Add 2 Cantilever F.L. (Separation under construction)
11	Lakeland Avenue 2-155.1	Santa Fe Springs	2	2	-	2-#8 2-#9	Add 2 Cantilever F.L. when widened to 4 lanes & remove 2-#8's
12	Carmenita Road 2-157.3	Santa Fe Springs	2	2	-	2-#9	Replace existing roundels in #9's with 12" diameter. Add 1 F.L. Head for Lt. turns from Cambridge Avenue.
13	Rosecrans Avenue 2-157.8	Santa Fe Springs	9	2	1	6-#9	None required
14	Valley View Avenue 2-158.4	Santa Fe Springs La Mirada	6	2	1	4-#9	Add 2 F.L. Heads for turning movements from Stage Road
15	Alondra Boulevard 2-159.6	La Mirada	5	2	-	4-#9	Add 2 F.L. Heads one for Rt. turns from Stage Rd. & one for westbound Alondra Blvd. traffic.

* Should the separation construction not be complete, the indicated protection improvements should be made prior to any increase in train speed.