

Decision 95-11-066 November 21, 1995

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Los Angeles (Harbor Department) for an Order authorizing construction of 2 at-grade crossings: between Cannery Street and the proposed tracks and between Earle Street and the proposed tracks.

Application 95-05-037
(Filed May 12, 1995)

OPINION

As part of the project to develop the On-Dock Rail Interchange Station (ORIS), the City of Los Angeles, acting by and through its Board of Harbor Commissioners, Port of Los Angeles (City), requests authority to construct Cannery Street and Earle Street at grade across a spur track of Union Pacific Railroad Company (UP) in the Port Area of Los Angeles, Los Angeles County.

The proposed Cannery Street and Earle Street grade crossings are needed to provide an escape route for coal trains using the container terminal yard at the on-dock facility. The use of the proposed spur track will be by an unscheduled, "as needed" train that will travel across the proposed grade crossings only in the event of an emergency. The proposed route is scheduled to avoid train delays in the event that the main route is blocked. The maximum operating speed through this segment of the track will be 25 miles per hour.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City prepared an Environmental Impact Report (EIR) and approved the project. On July 6, 1993, a Notice of Determination was filed with the Los Angeles County Clerk which found that the "Project will have a significant effect on the environment." Mitigation measures were

made a condition of project approval. None of the adverse impacts can be attributed to the grade crossings themselves. A Statement of Overriding Considerations was adopted for the project.

The Commission is a responsible agency for this project under CEQA, and has independently reviewed and assessed the lead agency's EIR. The sites of the proposed Cannery Street and Earle Street grade crossings have been inspected by the Safety and Enforcement Division's Traffic Engineering staff. The staff examined the need for and the safety of the proposed grade crossings and recommends that approval be granted.

City has met the filing requirements of the Commission's Rules of Practice and Procedure including Rule 40, which relates to the construction of a railroad track across a public highway. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

City advised the Commission that the construction of the proposed at-grade crossings is scheduled to begin sometime during the third quarter of 1995 and that the use of the proposed crossings is urgently needed. It is therefore requested that the usual 30-day effective date of an order be waived. We will make our order effective immediately.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on May 18, 1995. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct two at-grade spur track crossings, Cannery Street and Earle Street, in the Port Area of Los Angeles, Los Angeles County.

3. Construction of the proposed tracks at grade across Cannery Street and Earle Street is needed to provide an escape

route for coal trains using the Intermodal Container Transfer Facility Yard at the on-dock facility.

4. Public convenience and necessity require construction of the proposed spur track grade crossings.

5. Public safety requires that protection at both Cannery Street crossing and Earl Street crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

8. The project will have some adverse effects on the environment, but mitigation measures will reduce the adverse impact.

9. A Statement of Overriding Considerations was adopted for the project.

Conclusions of Law

1. The Application should be granted as set forth in the following order.

2. This order should be effective immediately as City wishes to commence construction of the proposed at-grade crossings at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. City of Los Angeles, acting by and through its Board of Harbor Commissioners, Port of Los Angeles (City), is authorized to construct two at-grade spur track crossings, Cannery Street and Earle Street, in the Port Area of Los Angeles, Los Angeles County, at the location and substantially as shown by the plans attached to the application and Appendix A of this order, to be identified as Crossing 3A-26.56-C (Cannery Street) and Crossing 3A-26.78-C (Earle Street).
2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.
3. Protection at both Cannery Street crossing and Earle Street crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).
4. Construction expense of the crossing and installation of the automatic protection shall be borne by City.
5. Maintenance cost of the automatic protection shall also be borne by City.
6. Construction plans of the crossing, approved by the railroad, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety and Enforcement Division prior to commencing construction.
7. Construction of the crossing shall be in accordance with GO 72-B. Maintenance of the crossing surfaces shall also be in accordance with GO 72-B.
8. Within 30 days after completion of the work under this order, City shall notify the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. The Application is granted as set for above.

This order becomes effective today.

Dated NOV 21 1995 at San Francisco, California.

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

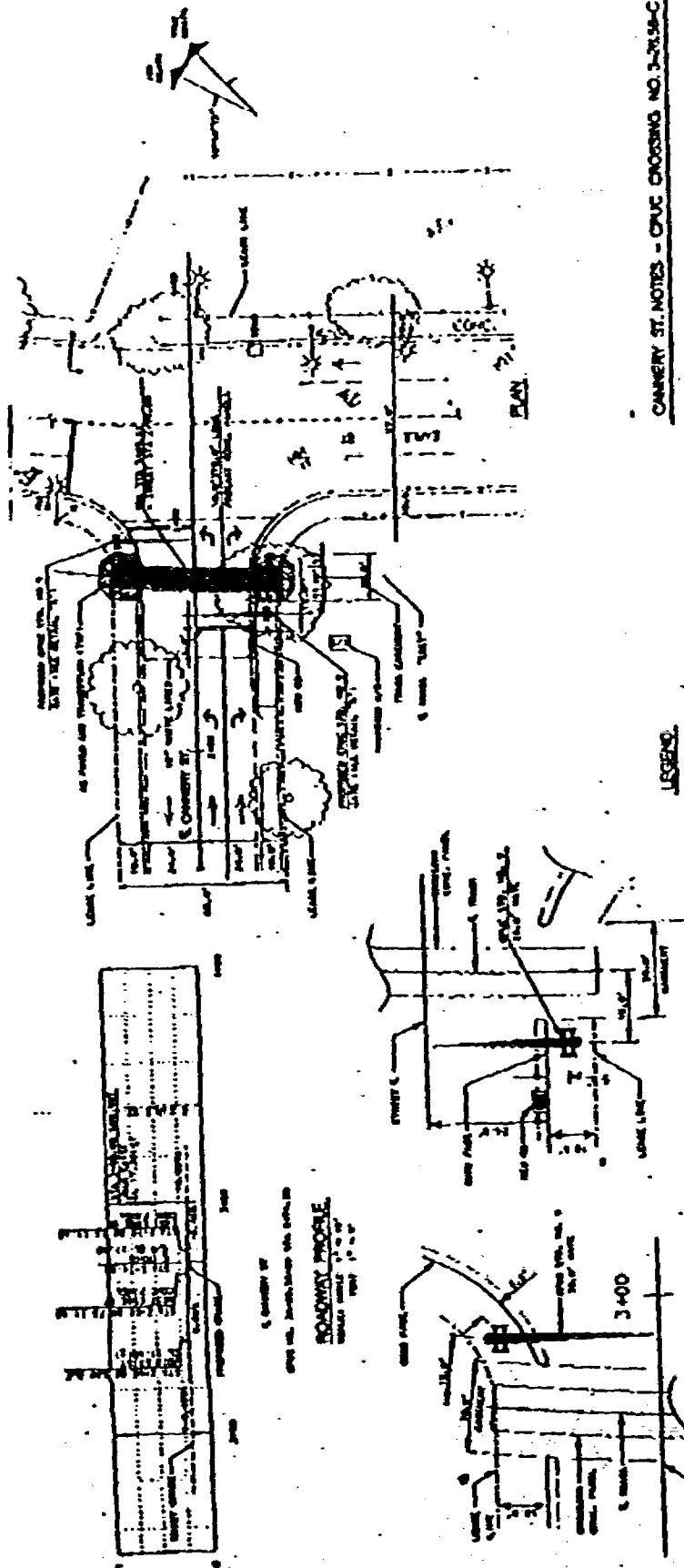
HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

A. 95-05-037 S&B/RRT/eh

Appendix A
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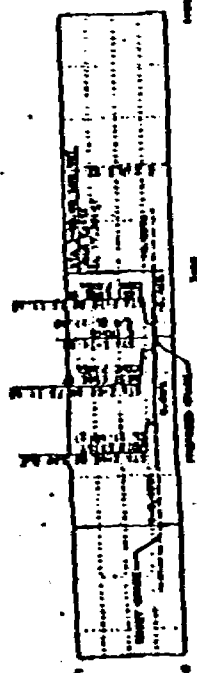
CANNERY ST. NOTES - CPUC CROSSING NO. 34-02-54C

- 1.0. THE TRACKS SHALL BE CONSTRUCTED TO THE CENTERLINE OF THE EXISTING CANNERY STREET.
- 2.0. THE TRACKS SHALL BE CONSTRUCTED TO THE CENTERLINE OF THE EXISTING CANNERY STREET.
- 3.0. THE TRACKS SHALL BE CONSTRUCTED TO THE CENTERLINE OF THE EXISTING CANNERY STREET.
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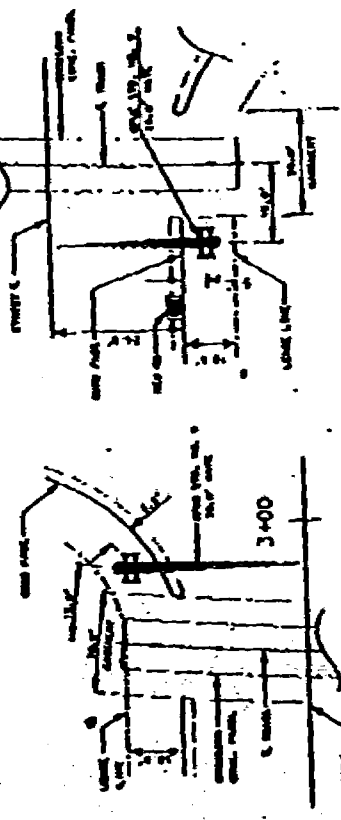
LEGEND

- 1. PROPOSED TRACKS
- 2. EXISTING TRACKS
- 3. EXISTING CANNERY STREET
- 4. EXISTING UTILITY LINES
- 5. PROPOSED UTILITY LINES
- 6. EXISTING SIDEWALKS
- 7. PROPOSED SIDEWALKS
- 8. EXISTING CURBS
- 9. PROPOSED CURBS
- 10. EXISTING DRIVEWAYS
- 11. PROPOSED DRIVEWAYS
- 12. EXISTING DRIVEWAYS
- 13. PROPOSED DRIVEWAYS
- 14. EXISTING DRIVEWAYS
- 15. PROPOSED DRIVEWAYS

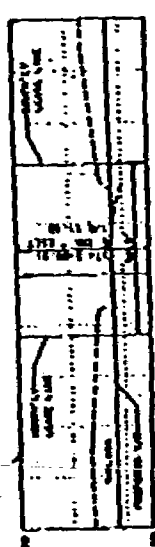
CPUC CROSSING NO. 34-02-54C
CANNERY ST. CROSSING, CPUC 34-02-54C
WORLDPORT, LA



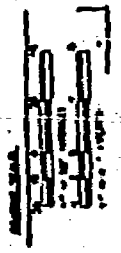
ROADWAY PROFILE
EXISTING GRADE
PROPOSED GRADE



DETAIL 'B'
EXISTING GRADE
PROPOSED GRADE



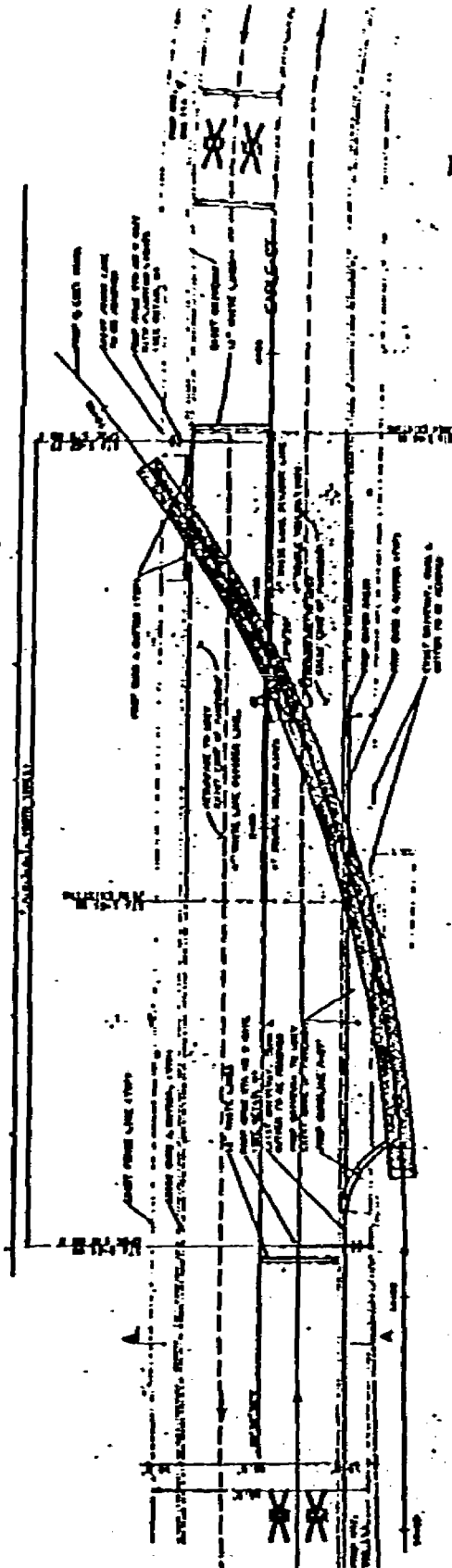
TRACK PROFILE
EXISTING GRADE
PROPOSED GRADE



TRACK PROFILE
EXISTING GRADE
PROPOSED GRADE

A. 95-05-037 S&B/RRT/6h

Appendix A
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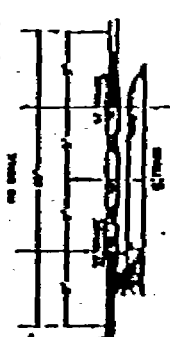
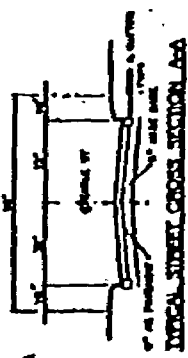
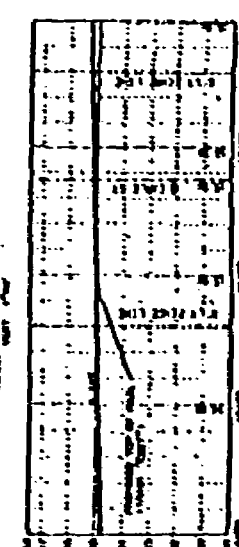
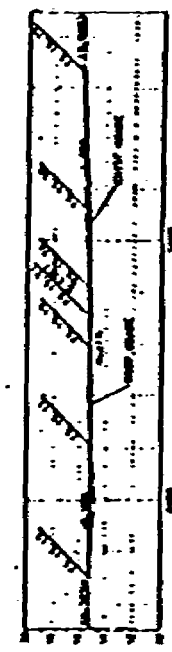
LEGEND

- 1. APPROXIMATE LOCATION OF TRACKS AND CROSSING
- 2. APPROXIMATE LOCATION OF TRACKS AND CROSSING
- 3. APPROXIMATE LOCATION OF TRACKS AND CROSSING
- 4. APPROXIMATE LOCATION OF TRACKS AND CROSSING
- 5. APPROXIMATE LOCATION OF TRACKS AND CROSSING
- 6. APPROXIMATE LOCATION OF TRACKS AND CROSSING

RAIL ST. NOTES - CPUC CROSSING NO. 2002-B-C

1. THIS CROSSING IS A RAILROAD CROSSING AND IS NOT A STREET CROSSING.
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PLAN



DRAWING NO. 95-05-037-R1	
EVALE ST CROSSING, CPUC 2002-B-C	
DATE	NOV 27, 1995
BY	WOLFFORD/TA
CHECKED BY	TA