

Decision 97-04-079 April 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 City of Los Angeles)
 For an order authorizing the)
 construction of a grade)
 separated vehicle crossing of)
 Imperial Highway across two)
 LACMTA light rail transit)
 tracks and right of way and)
 across one SPTC track and)
 right of way; the closure of)
 existing Imperial Highway)
 vehicle grade crossings)
 84L-9.4 and BBH-491.60 and to)
 leave the existing at grade)
 north sidewalk grade crossing)
 open to pedestrian traffic in)
 the City of Los Angeles,)
 County of Los Angeles,)
 California.)

ORIGINAL

Application 96-10-035
(Filed October 24, 1996)

O P I N I O N

As part of the project to construct a rail transit (RT) system, the City of Los Angeles (City) requests authority to construct a grade separated vehicle crossing of Imperial Highway above two Los Angeles County Metropolitan Transportation Authority (MTA) light rail tracks and above one Union Pacific Railroad Company (UP) (formerly Southern Pacific Transportation Company) Wilmington Branch line in Los Angeles, Los Angeles County.

The Los Angeles to Long Beach Light Rail "Blue Line" began operation in 1990 and carries approximately 35,000 passengers per day. Decision (D.) 88-11-044 dated November 23, 1988 in Application (A.) 88-06-037 granted interim authority to construct the Blue Line tracks at-grade across Imperial Highway, pending the design and construction of a grade separation projects to be agreed upon by the governmental agencies involved. The governmental agencies have now agreed on the design and cost apportionment of

the grade separation, and have thus applied for authority to construct this vehicular grade separation project.

City proposes that the north sidewalk remain at-grade in order to facilitate pedestrian access across the railroad tracks. Grade separating the sidewalk would require pedestrians to walk over a long grade separation structure, walk to another at-grade pedestrian access, or possibly trespass under the grade separation structure.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. The Los Angeles County Board of Supervisors on September 1, 1994 found that this project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.13 of the California Public Resources Code.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's CEQA Exemption. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers staff. The staff has examined the need to construct the Imperial Highway vehicular grade separation across two MTA light rail line tracks and one UP Wilmington Branch line track, and to retain the north sidewalk pedestrian crossing at-grade, and recommends that the project be approved.

The application was found to be in compliance under the Commission's filing requirements including Rule 39 of the Rules of Practice and Procedure. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on October 30, 1996. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct a grade separated vehicle crossing of Imperial Highway above two MTA light rail transit tracks and above one UP track in Los Angeles, Los Angeles County.

3. City also requests authority under Public Utilities Code Sections 1201-1205 to reopen the north sidewalk pedestrian crossing after construction of the vehicle grade separation.

4. Construction of the proposed Imperial Highway vehicle grade separation and at-grade pedestrian crossing is necessary to reduce possible conflicts between cars and light rail vehicles or freight trains, and to reduce traffic congestion across Imperial Highway when trains are present.

5. Public convenience, necessity and safety require construction of the grade separated vehicle crossing of Imperial Highway above two light rail tracks and one freight rail track.

6. Public convenience and necessity also require construction of the at-grade pedestrian crossing on the north sidewalk.

7. Public safety requires that the pedestrian crossing be protected by two Standard No. 10 flashing lights with Standard No. 1-D signs (General Order (GO) 75-C) modified with swing gates, upon completion of the adjacent grade separation structure.

8. Public safety requires that the existing vehicular crossing and south sidewalk be closed and physically removed upon completion of the grade separation structure.

9. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's CEQA Exemption.

10. Transit improvements are an integral part of the Regional Air Quality Management Plan.

Conclusions of Law:

1. Under Public Resources Code Section 21080.13 the activity is exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

2. The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. City of Los Angeles (City) is authorized to construct a grade separated vehicle crossing of Imperial Highway above two Los Angeles County Metropolitan Transportation Authority (MTA) light rail tracks and above one Union Pacific Railroad Company (UP) (former Southern Pacific Transportation Company) Wilmington Branch Line track, as shown by plans attached to the Application and as more fully shown in Appendix A of this order. The proposed separated vehicular crossings will be identified as Crossing 84L-9.4-A (MTA), and as Crossing BBH-491.60-A (UP).

2. City is authorized to reopen the at-grade pedestrian crossing on the north sidewalk after construction of the vehicular grade separation structure. The north sidewalk MTA at-grade pedestrian crossing will be identified as 84L-9.39-D. The remaining north sidewalk UP at-grade pedestrian crossing will be identified as BBH-491.59-D.

3. The existing Imperial Highway at grade crossings, MTA crossing 84L-9.4 and Union Pacific crossing BBH-491.60, will be permanently closed and vacated.

4. The existing south sidewalk pedestrian access, MTA crossing 84L-9.4 and Union Pacific crossing BBH-491.60, will also be permanently closed and vacated.

5. Clearances and walkways for MTA crossings 84L-9.4A and 84L-9.39-D shall be in accordance with General Order 143-A.

6. Clearances and walkways for UP crossings BBH-491.60-A and BBH-491.59-D shall be in accordance with GO 26-D and GO 118.

7. Construction of the pedestrian grade crossing shall be equal or superior to Standard No. 6 of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

8. Warning devices at the pedestrian crossing shall be two Standard No. 10 flashing light signals with Standard No. 1-D signs General Order 75-C and swing gates.

9. Construction and maintenance costs shall be borne in accordance with an agreement which has been entered into between the parties, a copy of which was included as Exhibit D of the application.

10. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

11. This authorization shall expire if not exercised within three 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.

12. The Application is granted as set forth above.
This order is effective 30 days from today.
Dated April 23, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

