

Decision 98-11-061 November 19, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Los Angeles (Harbor )  
 Department) for an order authorizing reconstruction of )  
 an existing at-grade crossing at a Private Road near )  
 John S. Gibson Boulevard, PUC No. BG-505.55-X, in )  
 The Wilmington District of the City of Los Angeles, )  
 County of Los Angeles, State of California. )

Application 98-04-022  
 (Filed April 17, 1998)

OPINION

ORIGINAL

City of Los Angeles (City) requests authority to reconstruct an existing at-grade crossing at Yang Ming Road near John S. Gibson Boulevard across the tracks of Union Pacific Railroad Company's (UP) San Pedro Branch Line, formerly owned by Southern Pacific Transportation Company (SP), in Los Angeles, Los Angeles County. The Burlington Northern and Santa Fe Railway Company (BNSF) operates trains on the tracks.

City proposes to construct two additional tracks at the existing at-grade crossing of Yang Ming Road. The proposed at-grade crossing is part of the West Basin Intermodal Container Transfer Facility (ICTF) at Berths 122-131 at the Port of Los Angeles and will improve rail access to the terminal. The site is accessible by BNSF and UP from the Thenard Junction, located at the south end of the proposed Alameda Corridor. A private at-grade crossing located approximately 2,460 feet north of the proposed at-grade crossing, will be closed permanently and physically removed.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000, et. Seq. City prepared an Environmental Impact Report (EIR) for the West Basin Transportation Improvements Program. After preparation and review of the EIR, City, through its Board of Harbor Commissioners, approved the Final EIR.

The Commission is a responsible agency for this project under CEQA and also has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Rail Safety and Carriers Division -- Rail Crossing Engineering Section staff. After reviewing the need for and safety of the proposed at-grade crossing, Staff recommends that City's request be granted.

The application was found to be in compliance under the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure which relates to the construction of railroad track across a public highway. A site map and detailed drawings of the proposed reconstructed at-grade crossing are shown in Appendix A.

In Resolution ALJ-176-2990 dated April 9, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2990.

City stated in this application that the use of the proposed at-grade crossing is urgently needed. The Applicant plans to advertise this railroad project by August 1998. The notice-to-proceed will be issued by October 1998. The project will be completed sometime in 1999. Based on the above facts and objectives, City requested that the usual 30-day effective date on 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 April 20, 1998. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to reconstruct an existing at-grade crossing at Yang Ming Road near John S. Gibson Boulevard across the tracks of UP's San Pedro Branch Line in Los Angeles, Los Angeles County.
3. Public convenience and necessity require reconstruction of the existing at-grade crossing.

4. Public safety requires the installation of two Standard No. 9 automatic gate-type signals and two median-mounted Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

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

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

7. The project will have some adverse effects on the environment, but mitigation measures will reduce the adverse impacts to acceptable levels. None of the impacts are associated with the at-grade crossing.

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

#### Conclusions of Law

1. The usual 30-day effective date of an order should be waived as the use of the proposed at-grade crossing is urgently needed, the notice-to-proceed will be issued by October 1998, and the project is to be completed in the latter part of 1999.

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 reconstruct an existing at-grade crossing at Yang Ming Road near John S. Gibson Boulevard across the tracks of Union Pacific Railroad Company's (UP) San Pedro Branch Line, formerly owned by Southern Pacific Transportation Company (SP), in Los Angeles, Los Angeles County, at the location and substantially as shown by the plan attached to the application and Appendix A of this order, identified as Crossing BG-505.55.

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

3. Construction of the grade crossing shall be equal or superior to Standard No. 8 of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by Applicant.

6. Maintenance cost of the automatic protection shall be borne by the Applicant in accordance with Section 1202.2 of the Public Utilities Code.

7. Final construction plans, approved by UP and BNSF, shall be filed by Applicant with the Commission's Rail Safety and Carriers Division prior to commencing construction.

8. Within 30 days after completion of the work, City shall notify the Commission 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 forth above.

Application 98-04-022 is closed.

This order becomes effective today.

Dated November 19, 1998, at San Francisco, California.

**RICHARD A. BILAS**

President

**P. GREGORY CONLON**

**JESSIE J. KNIGHT, JR.**

**HENRY M. DUQUE**

**JOSIAH L. NEEPER**

Commissioners

# PROJECT SITE



