

Decision 00-05-038 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the City of Los Angeles to construct one public at-grade railroad crossing (immediately west of Normandie Avenue across Knox Street) and upgrade and convert two private rail crossings (one immediately west of Normandie Avenue across Douglas Driveway, and the other at Douglas Driveway, to be called Francisco Street, approximately 1,400 feet east of Western Avenue) of public at-grade railroad crossings across the Union Pacific Company in the City of Los Angeles, County of Los Angeles.

Application 97-08-059
 (Filed August 28, 1997,
 Amended March 20, 1998,
 Amended December 8, 1999)

ORDER MODIFYING DECISION 98-08-019

By Decision (D.) 98-08-019, dated August 6, 1998, in Application (A.) 97-08-059, City of Los Angeles (City) was authorized to construct one public railroad crossing at-grade across Knox Street immediately west of Normandie Avenue and to upgrade and convert two existing private at-grade crossings to public at-grade crossings of the proposed Francisco Street (formerly Douglas Driveway) immediately west of Normandie Avenue and the proposed Francisco Street approximately 1,400 feet east of Western Avenue across Union Pacific Railroad Company's (UP) Torrance Branch Line tracks and spur tracks, formerly owned by Southern Pacific Transportation Company (SPT), in Los Angeles, Los Angeles County.

City filed Petition for Modification to D.98-08-019 on December 8, 1999, to request the following:

- The previously proposed and authorized at grade spur crossing of Francisco Street (formerly Douglas Driveway) approximately 1,400 feet east of Western Avenue, identified in Exhibit Plan C of the Petition for Modification and at location C on the Vicinity Map of the Appendix to this order, no longer is required. The existing private crossing will be abandoned and the rails will be removed.

- Relocate the previously authorized (in D.98-08-019) at grade crossing of Francisco Street (formerly Douglas Driveway) immediately west of Normandie Avenue, identified in Exhibit Plan B of the Petition for Modification and at location B on the Vicinity Map of the Appendix to this order, 75 feet to the south to align the grade crossing with Francisco Street east of Normandie Avenue. Protection will be as described by text in the Appendix to this order. Replace the previously authorized plan and profile with a revised plan and profile for Francisco Street and Normandie Avenue.
- Modify the maintenance order to make City and UP responsible for maintenance as follows: Maintenance of the crossings in the track areas and maintenance of the approaches shall conform to General Order (GO) 72-B. Maintenance cost of the automatic protection shall be borne in accordance with an agreement between the parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

The planned track removal and elimination of the existing private crossing, as indicated in Exhibit Plan C of the Petition for Modification and at location C on the Vicinity Map of the Appendix to this order, located at Francisco Street (formerly Douglas Driveway), approximately 1,400 feet east of Western Avenue, eliminated the need for a conversion to a public at-grade crossing at that location. The alignment of Francisco Street east of Normandie Avenue created the need for the City to relocate by 75 feet to the south of the proposed public at-grade crossing authorized in D.98-08-019, as indicated in Exhibit Plan B of the Petition for Modification and at location B on the Vicinity Map of the Appendix to this order, at Francisco Street west of Normandie Avenue. The Commission staff is in agreement with the City's proposal.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) code Section 21000, et seq. City prepared an Environmental Impact Report (EIR) and approved the project. On June 19, 1997, 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 and Notice of Determination. The Commission's Rail Safety and Carriers Division staff has inspected the proposed project sites, has reviewed City's request, concurs with the proposed modifications, and recommends that the Petition for Modification be granted.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Petition for Modification of D.98-08-019 was published in the Commission's Daily Calendar on December 10, 1999. No protests have been received. A public hearing is not necessary.

2. City was granted authority, under Public Utilities Code Sections 1201 - 1205 by D.98-08-019, dated August 6, 1998, to perform the following across UP's Torrance Branch Line tracks and spur tracks, formerly owned by SPT, in Los Angeles, Los Angeles County:

- to construct one public railroad crossing at-grade across Knox Street immediately west of Normandie Avenue, as indicated at location A on the Vicinity Map of the Appendix to this order,
- and to upgrade and convert two existing private at-grade crossings to public at-grade crossings at the following locations:
- proposed Francisco Street (formerly Douglas Driveway) immediately west of Normandie Avenue, as indicated in Exhibit Plan B of the Petition for Modification and at location B on the Vicinity Map of the Appendix to this order; and

- proposed Francisco Street approximately 1,400 feet east of Western Avenue, as indicated in Exhibit Plan C of the Petition for Modification and at location C on the Vicinity Map of the Appendix to this order.

3. The previously proposed and authorized at grade spur crossing of Francisco Street (formerly Douglas Driveway) approximately 1,400 feet east of Western Avenue no longer is required. The existing private crossing, as indicated in Exhibit Plan C of the Petition for Modification and at location C in the Vicinity Map of the Appendix to this order, will be abandoned and the rails will be removed. Consequently, the authorization to construct a public at-grade crossing at this location will be revoked.

4. Public convenience and necessity requires relocating the public at-grade crossing of the proposed Francisco Street (formerly Douglas Driveway) west of Normandie Avenue (authorized in D.98-08-019), as indicated in Exhibit Plan B of the Petition for Modification and at location B in the Vicinity Map of the Appendix to this order, by 75 feet to the south in the alignment with Francisco Street east of Normandie Avenue.

Conclusion of Law:

The City request to modify D.98-08-019 should be granted as set forth in the following order.

ORDER

IT IS ORDERED that Decision (D.) 98-08-019 shall be modified as follows:

1. City of Los Angeles (City) is authorized to upgrade and convert the existing private railroad crossing at Francisco Street (formerly Douglas Driveway) immediately west of Normandie Avenue to a public at-grade crossing of Francisco Street immediately west of Normandie Avenue, identified in Exhibit Plan B of the Petition for Modification and at location B of the Vicinity Map of the Appendix to this order, across Union Pacific Railroad Company's (UP) Torrance Branch Line tracks, formerly owned by Southern Pacific Transportation Company (SPT), identified as Crossing BBG-499.29, in Los Angeles, Los Angeles County, at the location

and substantially as shown by the plans attached to the Petition for Modification and as more fully described in the Appendix to this order.

2. The existing private crossing at Francisco Street (formerly Douglas Driveway) approximately 1,400 east of Western Avenue, identified in Exhibit Plan C of the Petition for Modification and at location C of the Vicinity Map of the Appendix to this order, across UP's Torrance Branch Line spur tracks at Mile Post 499.38 shall be permanently closed and physically removed. The authorization in D.98-08-019 to construct a public at-grade crossing at this location, identified as Crossing BBG-499.38-C, is revoked.

3. Protection at Francisco Street crossing immediately west of Normandie Avenue shall be as set forth in the Petition for Modification and as more fully described by text in the Appendix to this order.

4. Protection at Knox Street crossing shall be as set forth in Application (A.) 97-08-059 and as more fully described by text in the Appendices of D.98-08-019 and the Appendix to this order.

5. Maintenance of the crossings in the track areas and maintenance of the approaches shall conform to General Order (GO) 72-B.

6. Maintenance cost of the automatic protection shall be borne in accordance with an agreement between the parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. This authorization shall expire if not exercised within two years from the effective date of this order or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. In all other respects, D.98-08-019 shall remain in full force and effect.

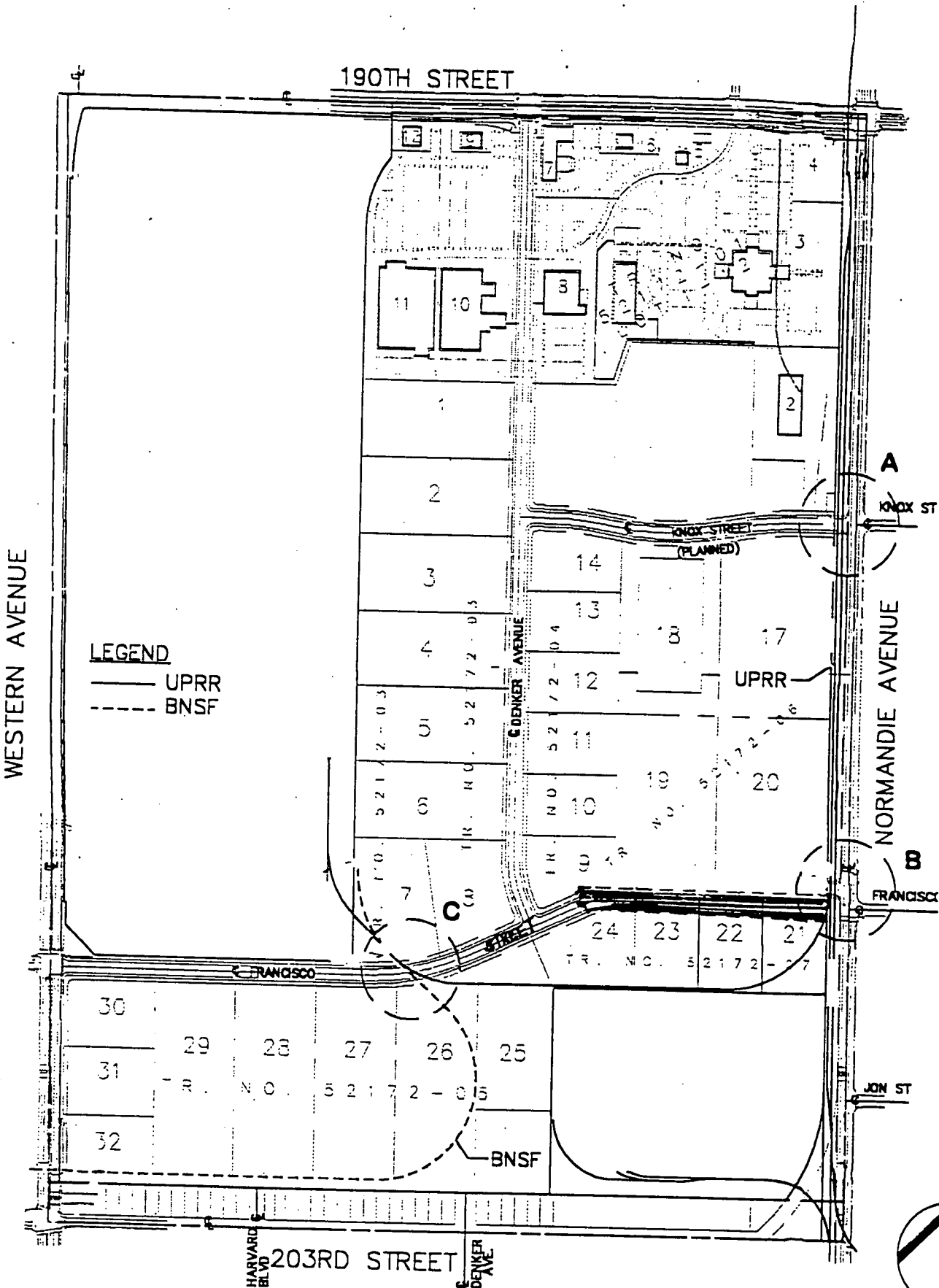
9. The Petition for Modification is granted as set forth above.

Application 97-08-059 is closed.

This order becomes effective 30 days from today.

Dated May 18, 2000, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
CARL W. WOOD
Commissioners



LEGEND

- UPRR
- - - - BNSF

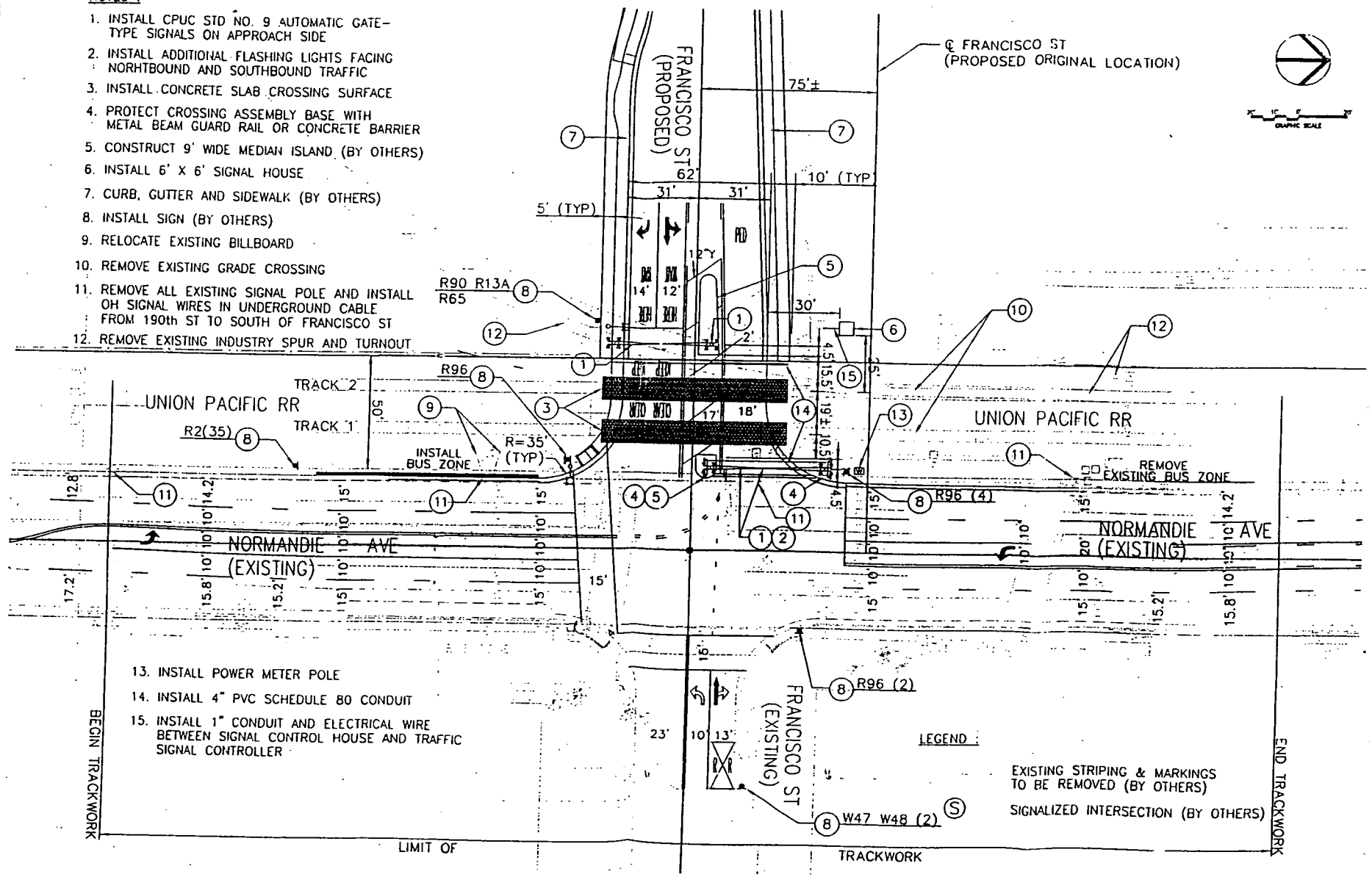


NO SCALE

VICINITY MAP

NOTES :

1. INSTALL CPUC STD NO. 9 AUTOMATIC GATE-TYPE SIGNALS ON APPROACH SIDE
2. INSTALL ADDITIONAL FLASHING LIGHTS FACING NORTHBOUND AND SOUTHBOUND TRAFFIC
3. INSTALL CONCRETE SLAB CROSSING SURFACE
4. PROTECT CROSSING ASSEMBLY BASE WITH METAL BEAM GUARD RAIL OR CONCRETE BARRIER
5. CONSTRUCT 9' WIDE MEDIAN ISLAND (BY OTHERS)
6. INSTALL 6' X 6' SIGNAL HOUSE
7. CURB, GUTTER AND SIDEWALK (BY OTHERS)
8. INSTALL SIGN (BY OTHERS)
9. RELOCATE EXISTING BILLBOARD
10. REMOVE EXISTING GRADE CROSSING
11. REMOVE ALL EXISTING SIGNAL POLE AND INSTALL OH SIGNAL WIRES IN UNDERGROUND CABLE FROM 190th ST TO SOUTH OF FRANCISCO ST
12. REMOVE EXISTING INDUSTRY SPUR AND TURNOUT



**PROPOSED GRADE CROSSING @
FRANCISCO STREET BGG LINE MP 499.29**

As part of the project to construct Harbor Gateway Center, City of Los Angeles (City) filed Petition for Modification to D.98-08-019 to advise the Commission that the previously proposed and authorized at grade spur crossings of Francisco Street (formerly Douglas Driveway) approximately 1,400 feet east of Western Avenue, identified in Exhibit Plan C and at location C on the Vicinity Map of this Appendix, no longer is required, the existing private crossing will be abandoned, and the rails will be removed. City further requested the realignment 75 feet to the South of the previously authorized at grade crossing of Francisco Street (formerly Douglas Driveway) immediately west of Normandie Avenue, identified in Exhibit Plan B and at location B on the Vicinity Map of this Appendix. The previously authorized at grade crossing of Knox Street immediately west of Normandie Avenue, identified at location A on the Vicinity Map of this Appendix, will not change. Full details of proposed Knox Street crossing immediately west of Normandie Avenue are indicated in the Exhibits attached to A.97-08-059 and in the Appendices attached to D.98-08-019, and more particularly as set forth below. Full details of proposed Francisco Street crossing immediately west of Normandie Avenue and the crossing to be closed are indicated in the Exhibits attached to the Petition for Modification and in this Appendix, and more particularly as set forth below:

HARBOR GATEWAY CENTER PROPOSED ADDITIONS

Crossing Number/ <u>Street Name</u>	<u>Warning Devices</u>	<u>Location</u>
1. BBG-499.04 Knox Street (Crossing "A")	Two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C) and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C) with additional flashing lights facing northbound and southbound vehicular traffic on Normandie Avenue	A.97-08-059 (filed August 28, 1997) Exhibit Plan A

<u>Crossing Number/ Street Name</u>	<u>Warning Devices</u>	<u>Location</u>
2. BBG-499.29 Francisco Street (Crossing "B")	Two Standard No. 9 automatic gate-type signals (GO 75-C) and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C) with additional flashing lights facing northbound and southbound vehicular traffic on Normandie Avenue.	Petition for Modification (dated December 8, 1999) Exhibit Plan B

HARBOR GATEWAY CENTER PROPOSED CLOSURE

<u>Crossing Number/Location</u>	<u>Closure Description</u>	<u>Location</u>
BBG spur track @ Milepost 499.38/Francisco Street (formerly Douglas Driveway), approximately 1,400 feet east of Western Avenue (Crossing "C")	Existing private crossing will be abandoned and the rails removed.	Petition for Modification (dated December 8, 1999) Exhibit Plan C