

Decision 99-06-012 June 3, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Union Pacific Railroad Company )  
 for an order authorizing the const- )  
 ruction of one at-grade crossing )  
 for East Long Beach Avenue between )  
 50<sup>th</sup> and 51<sup>st</sup> Streets, and the aban- )  
 donment of two existing at-grade )  
 crossings of Alameda Street between )  
 50<sup>th</sup> Street and Slauson Boulevard )  
 in the City of Los Angeles, County )  
of Los Angeles, California. )

Application 99-01-017  
 (Filed January 15, 1999)

OPINION

Union Pacific Railroad Company (UP) requests authority to construct an industrial spur track crossing at-grade across East Long Beach Avenue, between 50<sup>th</sup> Street and 51<sup>st</sup> Street. UP also requests authorization for the abandonment of two existing at-grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard, in the City of Los Angeles, Los Angeles County, as indicated on Appendix A attached to this order.

This project is a relocation and reconfiguration of two existing industrial at-grade track crossings into a new single at-grade crossing. The relocation is required as a result of the construction of the Alameda Corridor Project. It is being constructed by UP in order to maintain continuous service to the existing industrial customers on the west side of Alameda Street. The construction of the corridor will result in construction of an at-grade drill track on the east side of the depressed rail trench with no crossing of the trench for industrial customers on the west side. The existing crossing at 55<sup>th</sup> Street, which serves an individual customer, Cereal Foods Processors, Inc., is to be removed. The construction of the Alameda

Corridor precludes rail connection for industrial customers to what is currently referred to as the San Pedro Mainline.

The requirement of UP to construct this project is based on an existing agreement between SPT (of which UP is successor) and Cereal Foods Processors, Inc., a flour mill facility located on the west side of the Alameda Corridor. This agreement, dated September 9, 1996, required the UP to construct this new at-grade crossing of East Long Beach Avenue prior to the removal of their existing connection at 55<sup>th</sup> Street which will occur as part of the Alameda Corridor project.

The two existing rail crossings in Alameda Street will be abandoned. The existing tracks will be removed beyond the sidewalk and into the private property. The rails in the street will be paved over with asphaltic concrete and the switch on the Branch line will be locked down. The existing rail crossings do not have any grade crossing protection other than some signage along Alameda Street. The signage will be removed as part of the project. The rails in the street as well as the UP San Pedro Branch tracks will be removed at a later date as part of the Alameda Corridor project.

Since this project is a direct result of the Alameda Corridor Project, the Alameda Corridor Transportation Authority (ACTA) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. On June 27, 1997, the State of California Clearinghouse advised ACTA, that it had complied with State Clearinghouse review requirements for "draft environmental documents, pursuant to the California Environmental Quality Act (CEQA)." The United States Department of Transportation issued a Record of Decision approving Alameda Corridor Project. ACTA had previously prepared an Environmental Impact Report (EIR) on January 1993, and an Environmental Impact Statement (EIS) in February 1996.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered ACTA's environmental documentation. The site of the project has been inspected by the Commission's Rail Safety and Carrier Division - Rail Crossings Engineering Section staff. Staff examined the need for and the safety of the proposed grade separations and related railroad construction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 40 of the Rules of Practice and Procedure, which relates to the construction of a railroad track across a public highway. A site map of the grade crossing and separations is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3009, dated February 4, 1999 and published on the Commission Daily Calendar on February 8, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3009.

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

#### Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on January 21, 1999. No protests have been received. A public hearing is not necessary.

2. UP requests authority, under Public Utilities Code Sections 1201-1205, to construct an industrial spur track at-grade across East Long Beach Avenue, between 50<sup>th</sup> Street and 51<sup>st</sup> Street. UP also requests authorization for the abandonment of two existing at-grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard, in the City of Los Angeles, Los Angeles County.

3. Construction of the grade crossing is a result of the construction of the Alameda Corridor Project, required to provide improved goods movement, to accommodate the Ports of Long Beach and Los Angeles growth, reduce highway congestion, reduce air pollution and noise, which will benefit adjacent residential and industrial areas.

4. UP was required to construct East Long Beach Avenue, prior to the removal of their existing connection at 55<sup>th</sup> Street. This will occur as part of the Alameda Corridor Project, in accordance with an agreement that was entered between UP and Cereal Foods

Processors, Inc., to avoid interruption of rail service to their flour mill facility, on February 6, 1999.

5. Public convenience and necessity require construction of the East Long Beach Avenue grade crossings and the closure of the two existing at-grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard.

6. Public safety requires that East Long Beach Boulevard be protected two Standard No. 9 automatic gate-type signals and one Standard No. 8-A flashing light signals with cantilever arms (General Order (GO) 75-C).

7. Public safety also requires that the two existing grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard be closed and physically removed upon completion of the East Long Beach Boulevard project.

8. Since this project is a result of the Alameda Corridor Project, ACTA is the lead agency for this project under CEQA, as amended.

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

Conclusion of Law

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

**ORDER**

**IT IS ORDERED** that:

1. Union Pacific Railroad Company (UP) is authorized to construct an industrial spur track crossing at-grade across East Long Beach Avenue, between 50<sup>th</sup> Street and 51<sup>st</sup> Street, to be identified as Crossing BBH-487.03-C. UP is also authorized to abandon two existing at-grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard, identified as Crossings BG-487.1-C and BG-486.82-C. The project is located in the City 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.

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 to or superior to Standard No. 6 of GO 72-B. Maintenance of the crossing shall be in accordance with the provisions of GO 72-B.

4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals and one Standard No. 8-A flashing light signals with cantilever arm (GO 75-C).

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

6. Maintenance cost of the automatic protection shall be borne by UP.

7. Upon opening of the East Long Beach Avenue Crossing, the two existing at-grade crossings of Alameda Street between 50<sup>th</sup> Street and Slauson Boulevard shall be permanently closed and vacated.

8. Within 30 days after completion of the work under this order, UP shall notify the Commission in writing that the authorized work was 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.

The application is granted as set forth above.

Application 99-01-017 is closed.

This order is effective 30 days from today.

Dated June 3, 1999, at San Francisco, California.

RICHARD A. BILAS

President

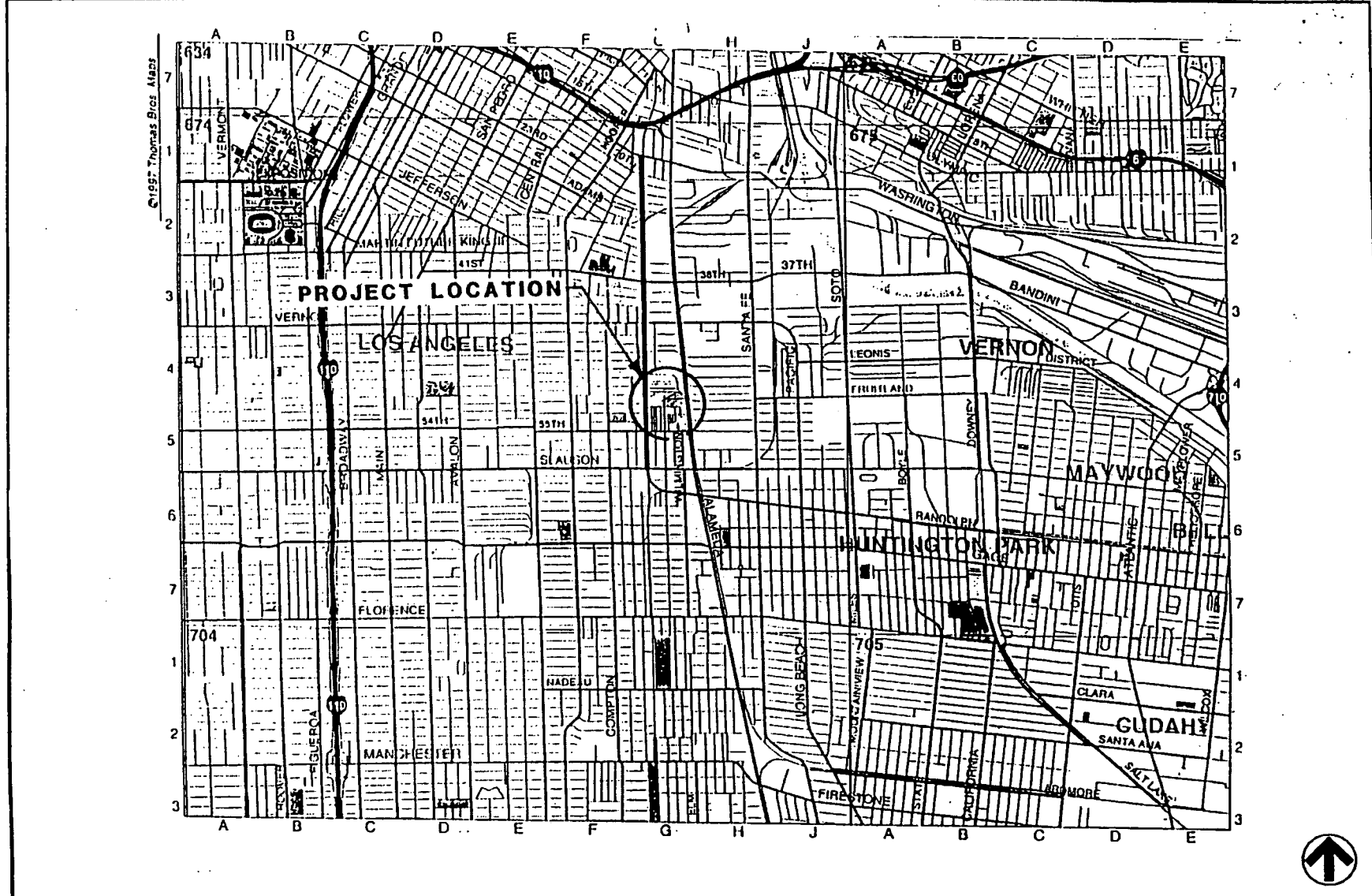
HENRY M. DUQUE



JOSIAH L. NEEPER

LORETTA M. LYNCH

TAL C. FINNEY

Commissioners



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|  <b>UNION PACIFIC RAILROAD</b><br>OFFICE OF CHIEF ENGINEER - DESIGN | DRAWN BY:<br>S.O. DRAFTER    |  <b>Holmes &amp; Narver</b><br>Architects-Engineers<br>Orange, California | WORK ORDER: XXXXX        | DWG TITLE:   |
|  | CHECKED BY:<br>T.H. DESIGNER |  | BUDGET REF.:             | TEAM TRACK PROJECT<br>CONNECTION AT 50TH<br>VICINITY MAP |
| LOCATION:<br>LOS ANGELES, CALIFORNIA   | DATE:<br>11/10/88            | DESIGN FILE: XXXXXX  | SHEET NUMBER: C E NUMBER | XX   |
|  | SCALE:<br>NO SCALE           |  |                          |  |

