

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Closure of the Highway-Rail At-Grade Crossing at West Doran Street south of State Route 134 between San Fernando Road and West San Fernando Road, in the City of Glendale, California, DOT Crossing No. 746804B, CPUC Crossing No. 101VY-7.99, and the Effects of that Closure on the City of Glendale and Nearby Residents in the City of Los Angeles, California.

**FILED
PUBLIC UTILITIES COMMISSION
FEBRUARY 25, 2010
SAN FRANCISCO OFFICE
INVESTIGATION 10-02-020**

**ORDER INSTITUTING INVESTIGATION
AND NOTICE OF HEARING**

I. SUMMARY

The purpose of this Order Instituting Investigation (OII) is to investigate the safety of the existing highway-rail at-grade crossing at West Doran Street south of State Route 134 between San Fernando Road and West San Fernando Road, in the City of Glendale, California, DOT Crossing No. 746804B, CPUC Crossing No. 101VY-7.99. This OII will consider the need to close the crossing as recommended by the Commission's Rail Crossings Engineering Section (RCES) staff of the Consumer Protection and Safety Division (CPSD).

RCES seeks closure of the crossing because it is unsafe and redundant. The City of Glendale and the Southern California Regional Rail Authority (SCRRA or Metrolink) support closure. Additional discussions with City of Los Angeles

representatives have indicated informal support for closure of this crossing. The crossing is unsafe primarily because it is immediately adjacent to a propane and industrial gas truck loading and storage facility. This hazard is compounded by the high frequency and speed of passenger and freight trains, the constricted intersection and crossing, the nature of the motor vehicle traffic, the proximity of a major state route, and other factors.

II. BACKGROUND

The West Doran Street highway-rail at-grade crossing is located at the point where West Doran Street intersects with the multiple main line railroad tracks and right-of-way owned by the SCRRA. This crossing site lies at the boundary between the City of Glendale and the City of Los Angeles but lies wholly within the City of Glendale. The city limits of the City of Los Angeles begin at the western limits of the SCRRA right-of-way on the west side of the crossing.

A. Jurisdiction

The California Public Utilities Commission (Commission or CPUC) has “the exclusive power...to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each [rail] crossing” and to “alter, relocate, or abolish by physical closing any [such] crossing.” Cal. Pub. Util. Code §§ 1202 (a) and (b).

B. Crossing Site

The West Doran Street highway-rail crossing is located near the intersection of Interstate 5 (I-5) and State Route 134 (SR-134). The crossing is one of three crossings that provide access to a light industrial/commercial area between San Fernando Road to the east and the Los Angeles River and I-5 to the west. The crossing is immediately west of the signalized intersection of West

Doran Street and San Fernando Road, and just east of the uncontrolled intersection of West Doran Street and West San Fernando Road.

C. Motor Vehicle Traffic

San Fernando Road is a major arterial road that is frequently congested with local and through traffic, especially during peak hours. Traffic congestion is increased by the proximity of a SR-134 exit to San Fernando Road, and the frequent use of San Fernando Road as an alternative route to I-5. West San Fernando Road is a local collector street running parallel to San Fernando Road and the SCRRA tracks and serves the light industrial area located between San Fernando Road and the Los Angeles River in the City of Los Angeles.

D. Rail Traffic

The West Doran Street crossing intersects two main tracks owned by SCRRA. The tracks are used by commuter trains operated by Metrolink, inter-city passenger trains operated by the National Passenger Railroad Corporation (Amtrak), and freight trains operated by the Union Pacific Railroad Company (UPRR). A total of 84 trains a day pass through the crossing at a maximum speed of up to 79 miles per hour (mph) during a normal work week.

E. The Crossing As Considered in the Settlement Agreement in Application (A.) 05-06-020 (the Glendale Flower Street Highway-Rail Crossing)

On November 20, 2006, CPSD entered into a Settlement Agreement with the City of Glendale, permitting the City of Glendale to construct an at-grade crossing at Flower Street in the City of Glendale, in A.05-06-020. RCES staff and the City of Glendale agreed to the construction of the at-grade crossing at Flower Street on the San Fernando Road corridor adjacent to the Metrolink line because:

- The City of Glendale agreed to the closure of two other at-grade crossings in this corridor.
- The City of Glendale agreed to substantially improve the crossing warning devices at several other at-grade crossings in the corridor.
- The City of Glendale agreed to use its best efforts to pursue state, federal, and local funding for the construction of SR-134 flyover at Fairmont Avenue.
- The City of Glendale and staff agreed to pursue the closure of the at-grade crossing at West Doran Street located in the City of Glendale, immediately next to its boundary with the City of Los Angeles.¹

At the time of the settlement, some members of the Los Angeles City Council appeared agreeable to the closure of the West Doran Street at-grade crossing on the San Fernando Road corridor. The City of Glendale and the SCRRA support the closure of the at-grade crossing at West Doran Street, and the City of Los Angeles has been informally working with staff in support of closure.

III. CROSSING ACCIDENT HISTORY

Four accidents resulting in two fatalities have occurred at this crossing in the past ten years. Three of those incidents involved motor vehicles colliding with a train and one incident involved a pedestrian being struck by a train.

IV. THE CROSSING IS HAZARDOUS

The West Doran Street highway-rail at-grade crossing presents a significant hazard to motor vehicles and drivers on local streets and the adjacent

¹ “The second settlement agreement...requires...active pursuit of closing the Doran Street crossing...”. D.07-03-027 (March 15, 2007), 2007 Cal. PUC LEXIS 280 at pp. 9-10.

highways, pedestrians, bicyclists, Metrolink inter-city rail passengers and operations, Amtrak commuter rail passengers and operations, UPRR freight crews and trains that operate in this corridor, and to people who live and work in the surrounding area. Considering the railroad and roadway geometry, traffic volumes and types, and the location of a propane and industrial gas bulk-loading and storage facility immediately adjacent to the crossing, the existing configuration of the crossing presents numerous deficiencies and risks to both motorists and trains. For example:

- The crossing lies immediately adjacent to a propane and industrial gas storage and wholesale/retail distributorship, with tanks located as close as 30 feet from the tracks. The location of this facility near the crossing brings trucks loaded with propane and other industrial gases to cross the railroad tracks over the West Doran Street crossing, and increases the risk of a collision between a passenger train or a freight train and an industrial gas or propane-laden vehicle.
- The location of the industrial gas and/or propane storage facilities is sufficiently close to the rail line to create the following hazards:
 - Impact of a derailed train with the propane/industrial gas facilities.
 - Impact of flying debris from a derailed train with the propane/industrial gas facilities.
 - Impact of flying debris from a train and motor vehicle collision at the crossing with the propane/industrial gas facilities.
- The crossing has limited storage space of only 35 feet (between the tracks and San Fernando Road) for motor vehicles traveling west

over the railroad tracks on West Doran Street. Staff has observed vehicles violate state law and posted signs by stopping on the

crossing to wait for the traffic signal or to wait for sufficient gaps in traffic to make right turns onto southbound San Fernando Road.

- The crossing is poorly configured, such that tractor trailer trucks and long flat bed trucks travelling southbound on San Fernando Road and turning right onto West Doran Street are forced to extend into and block east bound traffic on West Doran Street in order to negotiate the turn from San Fernando and to negotiate the crossing of the railroad tracks.
- Significant ambient noise is generated by the freeways, traffic on San Fernando Road, the nearby City of Glendale power plant, and the South Coast Recycling Center. This noise level can interfere with the ability of pedestrians and motorists to hear crossing bells and approaching train horns at the crossing.
- The crossing intersects the SCRRA's commuter railroad line with Metrolink and Amtrak passenger trains traveling at speeds up to 79 mph and with UPRR freight trains traveling at speeds up to 60 mph.
- Propane and/or industrial gas trucks and tanks are located as close as 50 yards from the close edge of the SR-134 highway overhead off-ramp and 120 yards from the far edge of the SR-134 highway structure, putting these structures and motorists at risk in any propane or industrial gas release and/or ignition that may result from a collision at the crossing.

V. THE CROSSING IS REDUNDANT

The West Doran Street crossing is located approximately 2,640 feet (one-half mile) from the Brazil Street crossing, and approximately 4,500 feet from the grade-separated Colorado Street crossing, making it an unnecessary or redundant crossing. However, since the Los Angeles River bisects the San

Fernando corridor immediately north of West Doran Street, the West Doran Street crossing provides the industries located on West Doran Street and West San Fernando Road north of the Brazil Street crossing with the closest access to North San Fernando Road.

VI. RCES FINDINGS

RCES staff finds that:

- The West Doran Street highway-rail at-grade crossing presents a significant hazard to motor vehicles and drivers, pedestrians, bicyclists, Metrolink inter-city rail passengers and operations, Amtrak commuter rail passengers and operations, UPRR freight crews and trains that operate in this corridor, and to people who commute, live, and work in the surrounding area.
- The West Doran Street at-grade crossing is unnecessary.
- Motor vehicle, bicycle, and pedestrian traffic can access the businesses and industries located on West Doran Street and North San Fernando Road via the Brazil at-grade crossing and the Colorado Street grade-separated crossing.

VII. RCES RECOMMENDATIONS

RCES staff recommends that:

- The Commission order closure of the West Doran Street highway-rail at-grade crossing.
- The Brazil highway-rail at-grade crossing be improved as proposed by the cities of Glendale and Los Angeles.
- The cities of Glendale and Los Angeles immediately implement other measures to reduce risk at these crossings, such as permanently restricting propane trucks and long trucks from using either the West Doran Street or Brazil Street crossings, or at least

banning such truck use until the Doran Street crossing is closed and the Brazil Street crossing is improved.

- A crash wall be constructed adjacent to the industrial gas transfer facility to protect the gas storage tanks from any debris caused by a nearby train derailment.
- The Commission provide local businesses, local residents, and the City of Glendale the opportunity to participate in a hearing to determine whether the West Doran Street at-grade crossing should be closed.

VIII. PRELIMINARY SCOPING MEMORANDUM

OIs typically contain a preliminary scoping memo to guide the conduct of the proceeding.

1. The scope of the issues to be determined in the proceeding include whether the highway-rail at-grade crossing at West Doran Street in the City of Glendale should be physically closed pursuant to Public Utilities Code Section 1202(b), and if it is closed, what mitigating measures should be implemented.
2. This proceeding is preliminarily categorized as ratesetting.
3. A prehearing conference will be scheduled at a time and location to be determined by the Presiding Officer.
4. A scoping memo will designate a Presiding Officer under Rule 7.1(c).
5. The Presiding Officer or Assigned Commissioner will rule on the scoping memo and the scheduling of hearings at or after the prehearing conference.
6. Proceedings concerning highway-rail at-grade crossings are typically resolved within 12 months or less. (See Rule 5.2.)
7. Ex parte contacts are allowed but subject to the reporting requirements set forth in Rule 8.3. (Rule 8.2.)

8. Ex parte communications that are subject to these reporting requirements shall be reported by the interested person, regardless of whether the communication was initiated by the interested person. A "Notice of Ex Parte Communication" (Notice) shall be filed with the Commission's San Francisco Docket Office within three working days of the communication. The Notice may address multiple ex parte communications in the same proceeding, provided that notice of each communication identified therein is timely. The Notice shall include the following information:

(a) The date, time, and location of the communication, and whether it was oral, written, or a combination.

(b) The identities of each decisionmaker (or Commissioner's personal advisor) involved, the person initiating the communication, and any persons present during such communication.

(c) A description of the interested person's, but not the decisionmaker's (or Commissioner's personal advisor's), communication and its content, to which description shall be attached a copy of any written, audiovisual, or other material used for or during the communication. (Rule 8.3.)

9. The need for a hearing is demonstrated by the safety concerns raised by RCES.

10. Any party interested in participating in this investigation who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor Office in Los Angeles at (213) 576-7056 or in San Francisco at (415) 703-2074; or email public.advisor@cpuc.ca.gov.

Therefore, **IT IS ORDERED** that:

1. Investigation 10-02-020 is opened under Rule 5.1 for the limited purpose of determining whether the highway-rail at-grade crossing at West

Doran Street in the City of Glendale, California, should be closed, and if it is closed, what mitigating measures should be implemented.

2. This proceeding is categorized as a ratesetting proceeding pursuant to Rules 1.3 and 7.1. The legal and factual arguments concerning the closure of the highway-rail at-grade crossing at West Doran Street in the City of Glendale are ratesetting in nature.

3. The Executive Director shall cause a copy of this order to be served upon the Union Pacific Railroad, the Southern California Regional Rail Authority (Metrolink), the National Passenger Railroad Corporation (Amtrak), the City of Glendale, the City of Los Angeles, and industries in the immediate vicinity of the crossing, as set forth in Attachment A.

This order is effective today.

Dated February 25, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

ATTACHMENT A

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Harrington Tools
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Cinelease
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