



## Legislation Text

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**File #:** 08-1053, **Version:** 1

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Recommendation to adopt Resolution of Intention to vacate a portion of Edison Avenue in the vicinity of the Pacific Harbor Line rail right-of-way south of Ninth Street, and set the date for a public hearing on the vacation for Tuesday, November 18, 2008 at 5:00 p.m. (District 1)

The Port of Long Beach (POLB) requests that a portion of Edison Avenue between Ninth and Pier B Streets be vacated and closed to public use. This portion runs between Pier B Street and Ninth Street, crossing the three railway tracks operated by the Pacific Harbor Line in an at-grade, unguarded crossing. The area proposed to be vacated is shown on the attached Exhibit A, and the street network in this vicinity is shown on the attached Exhibit B.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use.

1. The rail lines bisecting Edison Avenue currently serve nearly 30 trains a day, expected to increase to 40 trips a day by the year 2015.
2. Over the past 5 years, there have been eleven reported collisions between trains and vehicles at this unguarded crossing.
3. It is the policy of the California Public Utilities Commission, which regulates rail/roadway crossing, to reduce the number of these types of crossings to reduce the hazards to the public. CPUC approval will ultimately be required to close this at-grade crossing. CPUC staff have supported this decision.
4. The roadway improvements proposed for this section of Edison Avenue will allow emergency vehicles to continue to use this street when not closed by rail traffic.
5. The traffic study prepared by POLB estimates that 4000 vehicles a day use Edison Avenue crossing. However, the level of service of surrounding intersections that could be impacted by the re-routed traffic will not change significantly due to the street closure.
6. On July 2, 2007, POLB distributed their environmental documents for the closure (initial study, draft negative declaration and application summary report) to the public for comments, notifying 30 adjacent property owners and over 100 other interested parties that could potentially be affected by the closure. On

July 16, 2007, the Port of Long Beach Harbor Commissioners held and satisfactorily concluded a public hearing on the matter.

7. On August 20, 2007, the Board of Harbor Commissioners adopted a Negative Declaration and Application Summary Report for the vacation and closure of the Edison Avenue Railroad Grade Crossing as Resolution No. HD-2380.

8. On February 21, 2008, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. The Planning Department staff report is included as Exhibit C.

9. The interested City Departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit D.

The public hearing on this matter to be held on November 18, 2008, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on August 21, 2008.

This matter was reviewed by Deputy City Attorney Linda Trang on August 21, 2008 and by Budget Management Officer Victoria Bell on August 26, 2008.

City Council action is requested on October 14, 2008, to allow POLB to proceed on schedule with the closure of Edison Avenue.

A vacation processing fee of \$1,350 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

A RESOLUTION OF INTENTION TO VACATE A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LINE RAIL RIGHT-OF-WAY SOUTH OF NINTH STREET, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

AL MORO, P.E.  
CHIEF HARBOR ENGINEER  
PORT OF LONG BEACH

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER