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Decision No. 81937

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
Department of Public Works, for an)
order authorizing the construction of)
one crossing at separated grades, to)
be known as Etiwanda Overhead, over)
the tracks of the Southern Pacific)
Transportation Company and one future)
track on the south, in connection with)
the construction of Route 31 as an)
eight-lane freeway on new alignment,)
near the community of Etiwanda, San)
Bernardino County.)

Application No. 53949
(Filed April 9, 1973)

O P I N I O N

The State of California Department of Public Works (now Department of Transportation) requests authority to construct a crossing at separated grades of Etiwanda Overhead, State Route 31, over the tracks of the Southern Pacific Transportation Company in San Bernardino County. Notice of the application was published in the Commission's Daily Calendar on April 11, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The State of California Department of Public Works (now Department of Transportation) should be authorized to construct Etiwanda Overhead, State Route 31, at separated grades over the Southern Pacific Transportation Company's tracks in San Bernardino County, at the location and substantially as shown by plans (Exhibit B) attached to the application, to be identified as Crossing No. BBO-527.7-A.

Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans

of said crossing approved by the Southern Pacific Transportation Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Clearances should be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21' 6" above top of rail is authorized and the Southern Pacific Transportation Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding the employees to ride on tops of cars. The applicant should notify the Commission and the Southern Pacific Transportation Company at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created. Walkway areas adjacent to the railroad track should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

This project is under the jurisdiction of the National Environmental Policy Act (NEPA) of 1960. A final Environmental Impact Statement for this project was approved by the Secretary of the Federal Highway Administration on June 18, 1972.

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless time be extended or if above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of OCTOBER, 1973.

William Synow-Jr. President
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.