

Decision No. 85392

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY OF SAN
BERNARDINO for an Order authorizing
construction of a crossing at
separated grades between Bear Valley
Cutoff and the tracks of The Atchison,
Topeka and Santa Fe Railway Company,
sometimes referred to as the "Bear
Valley Cutoff Overhead" (PUC 2-41.60 }

Application No. 55979
(Filed October 3, 1975)

O P I N I O N

The County of San Bernardino (applicant) requests authority to construct a new grade separation structure, to be known as the Bear Valley Cutoff Overhead, over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the County of San Bernardino.

The priority list of grade separation projects for the fiscal year 1975-76, as set forth in Decision No. 84530, shows this project as Priority No. 21.

The County of San Bernardino is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended, and on January 5, 1976, the San Bernardino County Environmental Review Committee approved a Notice of Determination for Negative Declaration.

Notice of application was published in the Commission's Daily Calendar of October 6, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct Bear Valley Cutoff at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the County of San Bernardino, at the location and substantially as shown by plans attached to the application.

2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and should comply with applicable rules and general orders of the Commission.

3. Upon completion of work, existing Bear Valley Cutoff (Crossing No. 2-41.6) should be closed and physically removed.

4. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties.

5. The Commission has considered the applicant's Notice of Determination for Negative Declaration and finds with reasonable certainty that this project will not have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The County of San Bernardino is authorized to construct a new grade separation, to be known as the Bear Valley Cutoff Overhead over The Atchison, Topeka and Santa Fe Railway Company tracks in the County of San Bernardino, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 2-41.6-A.

2. Clearances shall be in accordance with General Order No. 26-D.

3. Walkway areas shall conform to General Order No. 118. Walkway areas adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

4. Upon completion of work existing Bear Valley Cutoff (Crossing No. 2-41.6) shall be closed and physically removed.

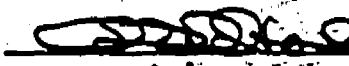
5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing approved by The Atchison, Topeka and Santa Fe Railway Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

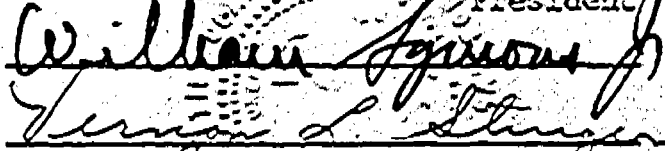
6. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

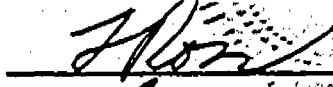
This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity or safety so require.


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

Dated at San Francisco, California, this 27th
day of JANUARY, 1976.



President






Commissioners