

ORIGINAL

Decision S4 03 104

MAR 21 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LOS ANGELES & SALT LAKE RAILROAD)
 COMPANY and its Lessee, UNION)
 PACIFIC RAILROAD COMPANY, for an)
 order authorizing the construction,)
 maintenance, and operation of a)
 lead track over and across Etiwanda)
 and Marlay Avenues in the City of)
 Fontana, and to cross Etiwanda)
 Avenue in the City of Ontario,)
 County of San Bernardino, State of)
 California.)

Application No. 60604
 (Filed June 1, 1981;
 amended April 5, 1982;
 amended December 19, 1983;
 amended February 9, 1984)

O P I N I O N

Los Angeles & Salt Lake Railroad Company (LA&SL) and Union Pacific Railroad Company (UP) request authority to construct two industrial lead track crossings at grade across Marlay Avenue in the City of Fontana and across Etiwanda Avenue in the City of Ontario, San Bernardino County.

The proposed lead track will provide rail service to the Southwest Industrial Park which will be composed of light manufacturing facilities and other commercial enterprises. The industrial park is generally located in the southwest portion of the City of Fontana at the boundary of the City of Ontario, and is bounded by Jurupa Avenue on the north, Mulberry Street on the east, Riverside Road on the south and Etiwanda Avenue on the west.

The City of Fontana (City), has assumed the role of lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Environmental Impact Report (EIR), City issued a Negative Declaration and approved the projects. On August 6, 1980, a Notice of Determination was filed with the City Clerk which found that "Project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

Notice of the application and subsequent amendments were published in the Commission's Daily Calendar. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. LA & SL and UP request authority under Public Utilities (PU) Code Sections 1201 to 1205 to construct a lead track at grade across Marlay Avenue in the City of Fontana and across Etiwanda Avenue in the City of Ontario, San Bernardino County.

2. The proposed lead track crossings are required to provide rail service to the new Southwest Industrial Park which is currently being developed for light manufacturing and commercial use.

3. Public convenience and necessity require construction of the proposed lead track crossings.

4. Public safety requires that protection at each crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers (General Order (GO) 75-C).

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR and Negative Declaration.

7. The project will have no significant effect on the environment.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. Los Angeles and Salt Lake Railroad Company (LA & SL) and Union Pacific Railroad Company (UP) are authorized to construct a lead track at grade across Marlay Avenue in the City of Fontana and across Etiwanda Avenue in the City of Ontario, San Bernardino County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 3-47.23-C (Marlay Avenue) and 3-47.56-C (Etiwanda Avenue).

2. Construction of the crossings shall be equal or superior to standard No. 1 of GO 72-B.

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

4. Protection at each crossing shall be two Standard No. 8-A automatic flashing-light signals with cantilevers (GO 75-C).

5. Construction expense of the crossings and installation cost of the automatic protection shall be borne by LA & SL and UP.

6. Maintenance of the crossings shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by LA & SL and UP.

7. Within 30 days after completion of the work under this order, LA & SL and UP shall advise the Commission in writing that the authorized work has been completed.

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.

A.60604 T/RRT/AV/WPSC

This order becomes effective 30 days from today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

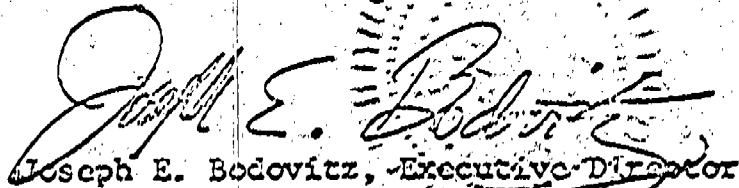
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director