

Decision S4 03 105

MAR 21 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of SOUTHERN PACIFIC TRANSPORTATION)
COMPANY for an order authorizing)
the construction at grade of an)
industrial drill track in, upon)
and across Airport Drive and)
Wanamaker Avenue in the City of)
Ontario, County of San Bernardino,)
State of California.)

Application 83-07-58
(Filed July 28, 1983)

O P I N I O N

Southern Pacific Transportation Company (SPT) requests authority to construct an industrial spur track at grade across Airport Drive and Wanamaker Avenue in the City of Ontario, San Bernardino County.

The proposed industrial spur track will provide rail service to a newly formed Assessment District No. 94 of the City of Ontario, an improvement consisting of 573 acres of industrial park land. The area being developed is bounded by the San Bernardino Freeway on the north, Jurupa Avenue on the south, the Devore Freeway on the east and Milliken Avenue on the west.

The City of Ontario (City) is the 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 Initial Study, City issued a

Negative Declaration and approved the project. On March 19, 1982, a Notice of Determination was filed with the San Bernardino County 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 Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

SPT has advised the Commission that rail service is desired in the very near future. It is, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

Notice of the application was published in the Commission's Daily Calendar on August 1, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201 to 1205 to construct a spur track at grade across Airport Drive and Wanamaker Avenue in the City of Ontario, San Bernardino County.

2. The proposed industrial spur track crossings are required to provide rail service to a new industrial park, Assessment District 94, of the City of Ontario.

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

4. Public safety requires that protection at the Airport Drive Crossing be four Standard No. 9, automatic flashing-light signals with gates (General Order (GO) 75-C).

5. Public safety requires that protection at the Wanamaker Crossing be two Standard No. 9-A automatic flashing-light signals with gates and cantilevers (GO 75-C).

6. Pending installation of the automatic flashing-light signals and gates, the requirement of public safety at each crossing may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossings.

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

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

9. The project will have no significant impact on the environment.

Conclusions of Law

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

2. The usual 30-day effective date on an order should be waived as rail service is desired in the very near future.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial spur track at grade across Airport Drive and Wanamaker 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 B-526.11-C (Airport Drive) and B-526.52-C (Wanamaker Drive).

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 the Airport Drive crossing shall be four Standard No. 9 automatic flashing-light signals with gates (GO 75-C).

5. Protection at the Wanamaker Crossing shall be two Standard No. 9-A automatic flashing-light signals with cantilever arms and gates (GO 75-C).

6. For a period not to exceed one year from the date of this order, protection at each crossing shall be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossings unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent

employee of the railroad, acting as flagman. The flagman shall place a minimum of two fusees on both sides of the track prior to entry of the on-rail vehicle into the crossings.

7. Written instructions shall be issued by SPT to trainmen, operating over the crossings, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossings. Suitable signs shall be installed on both sides of Airport Drive and Wanamaker Avenue calling the attention of trainmen to the flagging instructions.

8. Construction expense of the crossings and installation cost of the automatic protection shall be borne by SPT.

9. Maintenance of the crossings shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

10. Within 30 days after completion of the work under this order, SPT shall advise the Commission in writing that the authorized work has been completed.

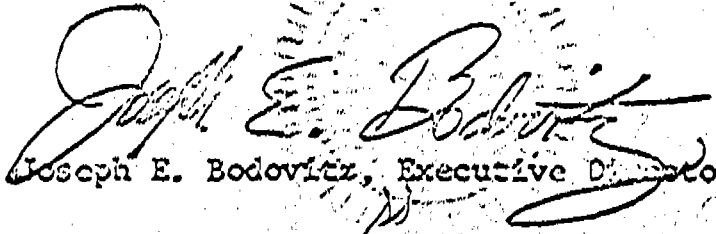
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director