

ORIGINAL

Decision 84 06 074

JUN 6 1984

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 two)
industrial drill tracks in, upon)
and across Rockefeller Avenue and)
Brickell Street in the City of)
Ontario, County of San Bernardino,)
State of California.)

Application 84-03-21
(Filed March 1, 1984)

O P I N I O N

Southern Pacific Transportation Company (SPT) requests authority to construct an industrial drill track at grade across Rockefeller Avenue and Brickell Street in Ontario, San Bernardino County.

The proposed industrial drill track will provide rail service to Assessment District No. 94 of the City of Ontario, a 573-acre industrial park. 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.

Notice of the application was published in the Commission's Daily Calendar on March 9, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct a drill track at grade across Rockefeller Avenue and Brickell Street in Ontario, San Bernardino County.

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

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

4. Public safety requires that protection be two Standard No. 9-A automatic gate-type signals with cantilevers at the Rockefeller Avenue crossing and two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C) at the Brickell Street crossing.

5. Pending installation of the automatic signals, the requirements 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 each crossing.

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

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

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

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial drill track at grade across Rockefeller Avenue and Brickell Street in Ontario, San Bernardino County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings B-526.79-C (Rockefeller Ave.) and B-526.98-C (Brickell St.).
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 shall be two Standard No. 9-A automatic gate-type signals with cantilevers at the Rockefeller Avenue Crossing and two Standard No. 9 automatic gate-type signals (GO 75-C) at the Brickell Street Crossing.
5. For a period not to exceed one year from the date of this order, protection at each crossing may 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 each 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 each side of the track prior to the entry of the on-rail vehicle into each crossing.

6. 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 Rockefeller Avenue and Brickell Street calling the attention of trainmen to the flagging instructions.

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

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

9. 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.

10. The application is granted as set forth above.

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.

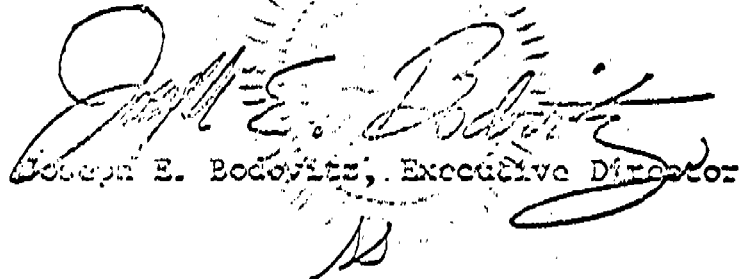
This order becomes effective 30 days from today.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
DONALD VIAJ
WILLIAM T. BAGLEY
Commissioners

Commissioner Priscilla C. Crew,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director