

ORIGINAL

Decision 84 06 075

JUN 6 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF RANCHO)
CUCAMONGA for an order authorizing)
construction of a crossing at grade)
between Milliken Avenue and the)
Branch Line of the Southern Pacific)
Transportation Company, to be)
referred to as the "Milliken Avenue)
Crossing.")

Application 83-08-16
(Filed August 5, 1983)

O P I N I O N

As part of the project to develop the Victoria Community Plan, the City of Rancho Cucamonga (City) requests authority to construct Milliken Avenue at grade across the tracks of Southern Pacific Transportation Company's (SPT) Baldwin Park Branch Line in Rancho Cucamonga, San Bernardino County.

The Victoria Community Plan project involves 2150 acres of undeveloped land in the easterly portion of the city. The plan includes 9000 dwelling units, community recreation, open space, and supporting commercial facilities.

The United States Department of Housing and Urban Development (HUD) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended,

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Public Resources Code Sections 21000 et seq. and under the National Environmental Policy Act of 1969. A copy of the Final EIS was filed with the State Clearinghouse on March 31, 1983, and comments by the Secretary for Resources were forwarded to HUD under cover of May 3, 1983. HUD approved the project on July 1, 1983.

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

Major impacts of the project include increases in traffic congestion, noise, air pollution, and added burdens on community services and utilities. Mitigation measures include construction of a new freeway interchange, new service and utility facilities, and implementation of local and regional air quality plans. No significant impacts were found to be specifically associated with construction of the proposed grade crossing.

To improve the riding quality and durability of the crossing, City requests an exemption from General Order (GO) 72-B to permit the installation of a rubber grade crossing surface, which crossing surface is not included within the standards of the

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Commission's GO 72-B. Since there appears to be ample justification for the installation of a rubber crossing surface in this instance, an exemption from GO 72-B to permit the installation will be granted.

City has advised that there is an immediate need for the crossing to permit construction to commence in the Victoria area. 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 9, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Milliken Avenue at grade across the tracks of SPT's Baldwin Park Branch Line in Rancho Cucamonga, San Bernardino County.

2. The proposed crossing is required to provide access to and adequate circulation for development of the Victoria Community Plan.

3. Public convenience and necessity require construction of the Miliken Avenue grade crossing.

4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (GO 75-C).

5. The public and the railroad will benefit from installation of a rubber crossing surface at the proposed crossing.

6. HUD 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 EIS.

8. The Victoria Community Plan project will have a significant impact on the environment; however, mitigation measures will either eliminate or reduce the severity of the adverse impacts to acceptable levels.

9. The EIS identifies no significant environmental impact that will be caused by construction of the Milliken Avenue grade crossing.

Conclusions of Law

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

2. An exemption from GO 72-B should be granted to permit installation of a rubber crossing surface.

3. The usual 30-day effective date on an order should be waived as applicant has an immediate need for use of the crossing.

O R D E R

IT IS ORDERED that:

1. The City of Rancho Cucamonga (City) is authorized to construct Milliken Avenue at grade across the tracks of Southern Pacific Transportation Company's (SPT) Baldwin Park Branch Line in Rancho Cucamonga, San Bernardino County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing BBO-524.9.

2. City is granted an exemption from GO 72-B to permit installation of a rubber crossing surface at the crossing.

3. Construction of the crossing shall be in accordance with the provisions of GO 72-B except that a rubber crossing surface shall be installed.

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

5. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (GO 75-C).

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6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

7. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

8. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

9. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

10. The application is granted as set forth above.

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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.

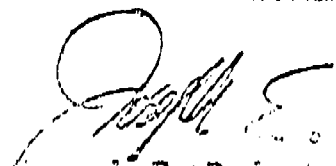
This order is effective today.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. CRIMES, JR.
President
VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS


Joseph E. Bodovius, Executive Director
