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## Decision 89 02 053 FEB 24 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF ONTARIO for an Order authorizing construction of a crossing at separated grades between Haven Avenue and the track of the Union Pacific Railroad Company, sometimes referred to as the "Haven Avenue Underpass" (PUC Crossing No. 3-42.3)

Application 88-09-030 (Filed September 13, 1988)

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#### <u>OPINION</u>

The City of Ontario (City) requests authority to construct the Haven Avenue Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP) Los Angeles-Barstow main line in Ontario, San Bernardino County.

City also requests authority to construct a temporary shoofly northerly of the main line tracks during construction of the grade separation to facilitate excavation and earthwork removal, as well as the actual removal of the existing at-grade crossing of Haven Avenue.

The proposed railroad-highway grade separation project is an essential element in the City of Ontario's Master Plan of Major Streets Improvement Program. Haven Avenue when fully developed will be a principal north-south arterial, connecting Interstate Route 10 (I-10) Freeway with the Ontario International Airport and State Route 60 (SR60) Pomona Freeway.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. The proposed project is an integral component of the ground access and terminal expansion program for the Ontario International Airport. A Final Environmental Impact Report (FEIR) for ground access and terminal expansion was prepared by the Southern California

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Association of Governments (SCAG) and has been officially approved and adopted. After preparation and review of an Initial Study, the City issued a Negative Declaration and approved the project. On March 14, 1988, a Notice of Determination was filed with the San Bernardino County Clerk which found that "The project will not have a significant effect on the environment and is in conformance with the environmental goals and objectives of the City of Ontario."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's FEIR and Notice of Determination.

The Commission's Traffic Engineering staff has reviewed the plans for the proposed Haven Avenue Underpass grade separation structure and also made a field inspection of the proposed project site and recommends that City's request be authorized.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure which Rule relates to the construction of public highways across railroads. Detailed drawings of the grade separations are included in Appendix "A" of this order.

Notice of the Application was published in the Commission's Daily Calendar on September 20, 1988. No protests have been received. A public hearing is not necessary. Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Haven Avenue Underpass at separated grades under the tracks of Union Pacific Railroad Company's (UP) Los Angeles-Barstow Main Line in Ontario, San Bernardino County.

2. Railroad operations require temporary construction of shoofly track northerly of UP's existing operating right-of-way during construction of the railroad bridge structure.

3. Construction of Haven Avenue Underpass is required to provide improved public access to developing industrial, commercial and residential areas near the Ontario International Airport.

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4. Public convenience, necessity and safety require construction of the Haven Avenue Underpass.

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 FEIR and Notice of Determination.

7. The grade separation project will not have a significant effect on the environment. <u>Conclusion of Law</u>

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

#### QRDER

#### IT IS ORDERED THAT:

1. The City of Ontario (City), is authorized to construct the Haven Avenue Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP) Los Angeles-Barstow Main Line in Ontario, San Bernardino County, at the location and substantially as shown by plans attached to the application and Appendix "A" of this order, to be identified as Crossing 3-42.3-B.

2. City is authorized to construct a temporary shoofly track north of the existing operating tracks during construction of the railroad bridge structure.

3. Upon completion of the railroad bridge structure and restoration of the train traffic to its former alignment, the temporary shoofly shall be closed and physically removed.

4. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

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5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans approved by UP, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. 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.

7. This authorization shall expire if not exercised within three 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.  The application is granted as set forth above. This order becomes effective 30 days from today. Dated FEB 24 1989 at San Francisco, California.

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G. MITCHELL WILK President FREDERICK R. DUDA STANLEY W. HULETT JOHN B. OHANIAN COMMISSIONERS . ....

I CERTIFY THAT THIS DECISION WAS APPROVED BY THE ABOVE COATMISSIONERS TODAY

Victor Weisser, Executive Director

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# EXHIBIT A

HAVEN AVENUE GRADE SEPARATION CITY OF ONTARIO

# THE NEXT 4 DOCUMENTS ARE POOR ORIGINALS

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