

Decision 89 12 011 DEC 6 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
UNION PACIFIC RAILROAD COMPANY for an)
Order Authorizing Construction of a)
Spur Track at Grade Over and Across)
Philadelphia Street near Mile Post)
49.3, in the County of Riverside)
and City of Ontario(San Bernardino)
County,) State of California.)

Application 89-03-010
(Filed March 9, 1989)

OPINION

The Union Pacific Railroad Company (UP) requests authority to construct an industrial spur track crossing at grade across Philadelphia Street. The crossing project is located at the boundary of the City of Ontario (San Bernardino County) and the County of Riverside as indicated on Appendix A attached to this order.

The proposed spur track will provide rail service to the Vintage Industrial Park which will be composed of light manufacturing facilities and other commercial enterprises. The industrial park, a parcel of land consisting of approximately 1,530 acres is generally located in the southwest portion of the city and is bounded by Milliken Avenue on the west, Philadelphia Street on the south, Etiwanda Avenue on the east and the Southern Pacific Transportation Company's main line on the north.

The City of Ontario (City) also acting in behalf the County of Riverside 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. A Notice of Determination was filed on July 25, 1989 with the San Bernardino County Clerk which found that, "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently reviewed and assessed the Initial Study and Negative Declaration. The site of the proposed UP industrial spur track at-grade crossing across Philadelphia Street has been inspected by the Safety Division's Traffic Engineering Staff. The staff examined the need for and the safety of the proposed at-grade crossing and recommends that approval be granted.

The application was found to be in compliance under the Commission's filing requirements including Rule 40 of the Rules of Practice and Procedure, which rule relates to the construction of a railroad track across a public highway. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

Notice of the Application was published in the Commission's Daily Calendar on March 14, 1989. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. UP requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial spur track at grade across Philadelphia Street in the County of Riverside and City of Ontario (San Bernardino County).
2. The proposed industrial spur track crossing is required to provide rail service to the Vintage Industrial Park which is being developed for light manufacturing and commercial use.
3. Public convenience and necessity require construction of the proposed industrial spur track crossing.
4. Public safety requires that protection of the crossing be two Standard No. 8-A flashing light signals with cantilever arms (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 City's Initial Study and Negative Declaration.

7. This project will not have a 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. Union Pacific Railroad Company (UP) is authorized to construct an industrial spur track at grade across Philadelphia Street in the County of Riverside and City of Ontario (San Bernardino County) at the location and substantially as shown by the plan attached to the application and Appendix A of this order, to be identified as Crossing 3-49.33-C.

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

3. Protection at the Philadelphia Street Crossing shall be two Standard No. 8-A automatic flashing light signals with cantilever arms (GO 75-C).

4. Construction expense of the crossing and installation cost of the automatic protection shall be borne by UP.

5. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by UP.

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

7. 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.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated DEC 6 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

Wesley Franklin

- 4 -

WESLEY FRANKLIN, Acting Executive Director

JS

THE NEXT

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DOCUMENTS ARE

POOR ORIGINALS

MICROFILMING SERVICES

will not assume responsibility

for the image quality

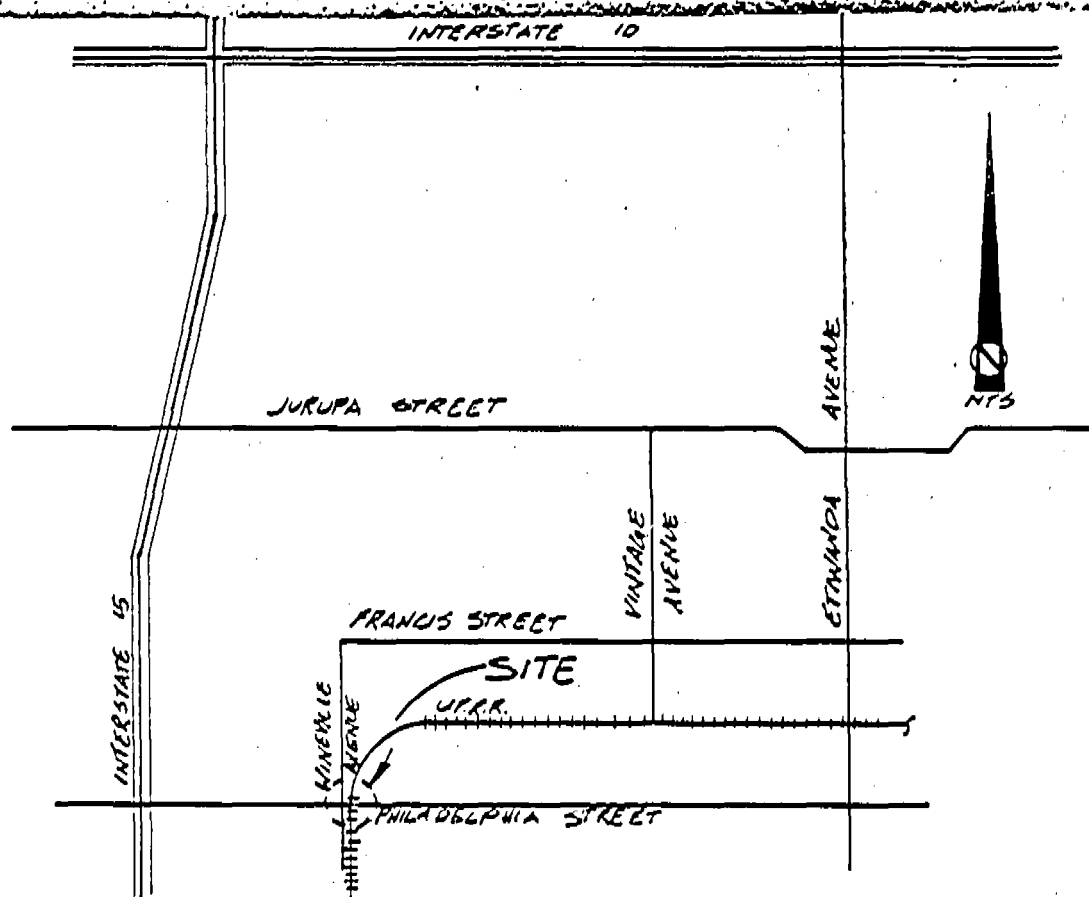
VICINITY MAP

Exhibit "C"

ONTARIO, CALIFORNIA
P.U.C. DRAWING FOR GRADE CROSSING AT
PHILADELPHIA STREET P.U.C.

UNION PACIFIC
REALTY CO.

SHEET

/

OF

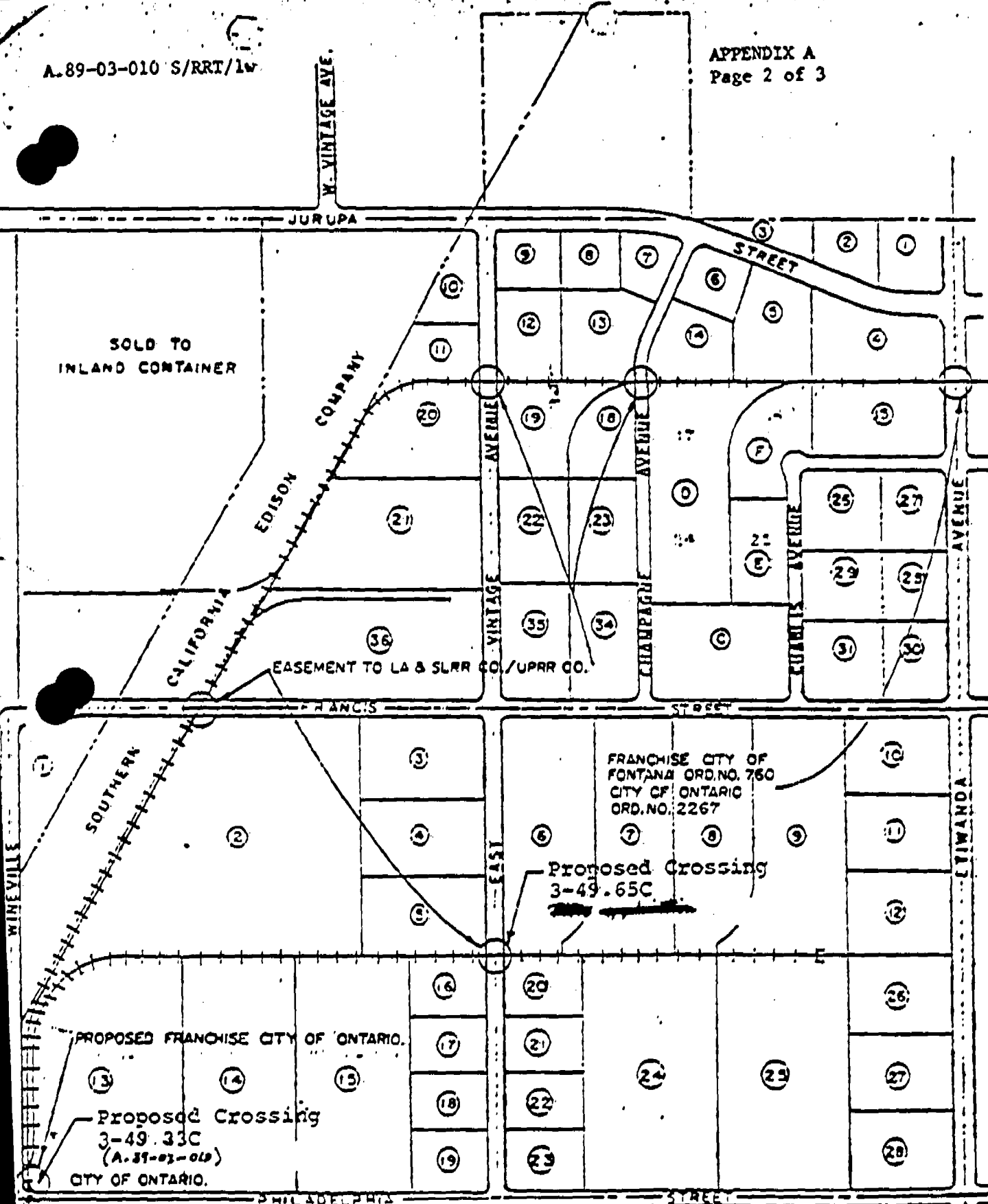
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DATE

DESIGNED

DRAWN

CHECKED



SOLD TO
INLAND CONTAINER

EASEMENT TO LA & SLRR CO./UPRR CO.

FRANCHISE CITY OF
FONTANA ORD. NO. 760
CITY OF ONTARIO
ORD. NO. 2267

Proposed Crossing
3-49.65C

PROPOSED FRANCHISE CITY OF ONTARIO.

Proposed Crossing
3-49.33C
(A.89-03-010)

CITY OF ONTARIO.

VINTAGE INDUSTRIAL PARK
ONTARIO, CALIFORNIA

Exhibit "B"

PROPOSED FRANCHISE COUNTY OF RIVERSIDE.

