

S/RRT/jae

ORIGINAL

Decision 90 01 003 JAN 9 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN PACIFIC)
 TRANSPORTATION COMPANY for)
 Authority to Construct, Maintain)
 and Operate an Industrial Drill)
 Track at Grade In, Upon and)
 Across Edison Avenue and Ramona)
 Avenue, City of Chino, County of)
 San Bernardino, State of)
 California.)

Application 89-07-043
(Filed July 27, 1989)

O P I N I O N

The Southern Pacific Transportation Company (SPT) requests authority to construct an industrial drill track at grade across Edison Avenue and Ramona Avenue, in Chino, San Bernardino County.

The proposed industrial drill track will provide service to Erin Madison, LTD. (Milestone Builders, Inc.). This drill track, and the drill track being applied for under A.89-07-044, are designed to serve an industrial area known as the Majestic Spectrum, being developed by the Majestic Realty Company. Majestic Realty Co. is in the process of completing the first phase of three buildings consisting of 475,000 square feet, 400,000 of which are to be rail serviced. Further development will include the construction of a 350,000 square foot distribution facility for Southern California Distribution Services, with construction and occupancy to be in the mid 1990's.

The City of Chino (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. A Notice of Determination was filed on September 20, 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 SPT industrial drill track at-grade crossings across Edison Avenue and Ramona Avenue 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 crossings 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.

By Resolutions No. 88-92 and 88-93 the City granted permission to construct the drill track. SPT states that certain conditions contained in the resolutions may be within the exclusive jurisdiction of the Commission and therefore void as a matter of law. Both parties are in agreement as to the need to construct the crossings now. In the future should the City and SPT be unable to resolve their differences, they will seek resolution by further application to the Commission.

Notice of the application was published in the Commission's Daily Calendar on July 31, 1989. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial drill track at grade across Edison Avenue and Ramona Avenue in Chino, San Bernardino County.

2. The proposed industrial drill track crossings of Edison Avenue and Ramona Avenue are required to provide service to Erin Madison, LTD. (Milestone Builders, Inc.).

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

4. Public safety requires that protection of the crossings be: three Standard No. 9 automatic gate-type signals and one Standard No. 8 automatic flashing light signal at Edison Avenue; and two Standard No. 9 gate-type signals and two Standard No. 8 automatic flashing light signals (General Order (GO) 75-C) at Ramona Avenue.

5. Because of the urgency for rail service, SPT may operate over the crossing with interim crossing protection of two Standard No. 1-R crossing signs (GO 75-C) and flagging the crossing, for a period of time not to exceed one year from the effective date of this order, pending the installation of automatic crossing protection.

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 not have a significant effect 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 across Edison Avenue and Ramona Avenue in Chino, San Bernardino County, at the locations and substantially as shown by plans attached to the application and Appendix A of this order. The Edison Avenue crossing is to be identified as Crossing No. BAB-521.91-C. The Ramona Avenue Crossing is to be identified as Crossing No. BAB-522.25-C.
2. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
3. Protection at the Edison Avenue crossing shall be three Standard No. 9 automatic gate-type signals and one Standard No. 8 automatic flashing light signal. Protection at the Ramona Avenue crossing shall be two Standard No. 9 automatic gate-type signals and two Standard No. 8 automatic flashing light signals (GO 75-C).
4. For a period not to exceed one year from the effective date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossings until 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 a flagman. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossings.
5. Written instructions shall be issued by the railroad to trainmen, operating over the crossings, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission's Safety Division within 30 days after installation of the crossing. Suitable signs shall be installed on

both sides of Edison Avenue and Ranona Avenue calling the attention of trainmen to the flagging instructions. The flagging procedures shall remain in full force until the required automatic protection is installed and operative

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

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

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

9. 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.

10. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JAN 9 1990, at San Francisco, California.

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

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE
COMMISSIONERS TODAY

Wesley Frankun

- 5 - WESLEY FRANKUN, Acting Executive Director
pf

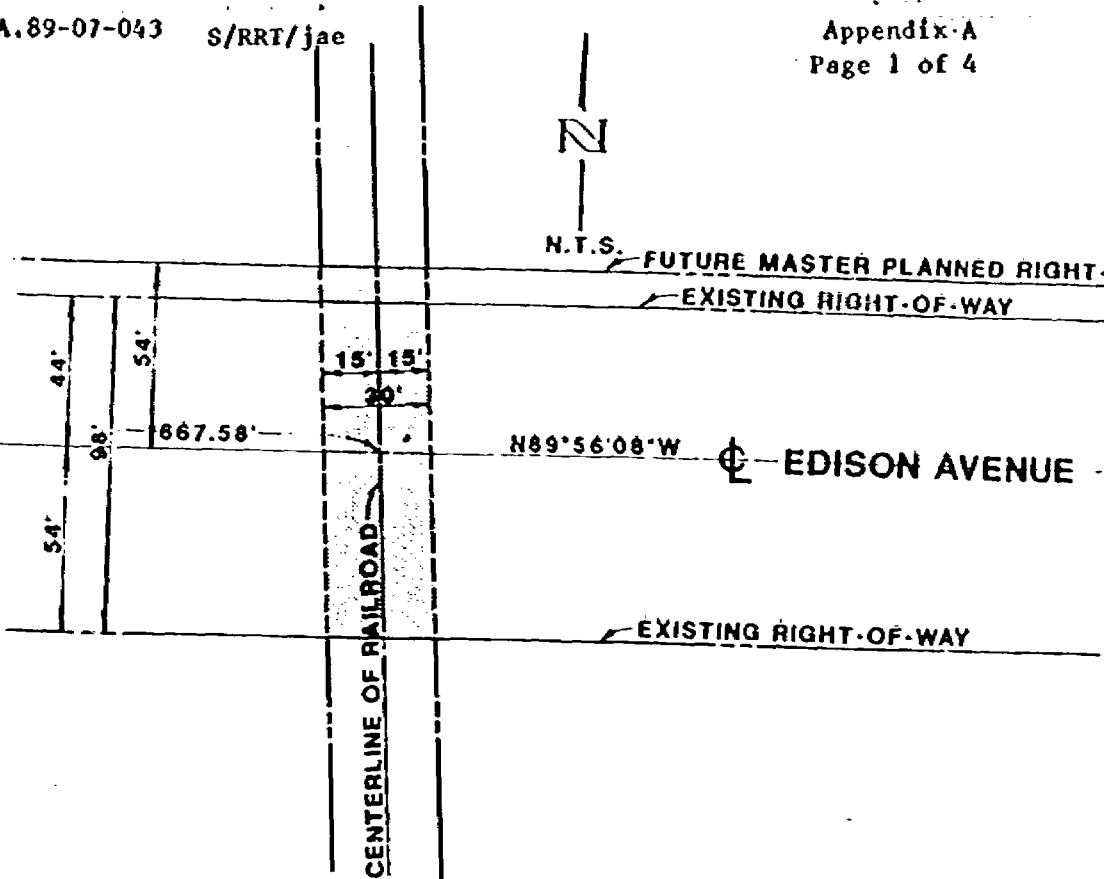
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Appendix A
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RAMONA AVENUE

N

N.T.S. FUTURE MASTER PLANNED RIGHT-OF-WAY
EXISTING RIGHT-OF-WAY

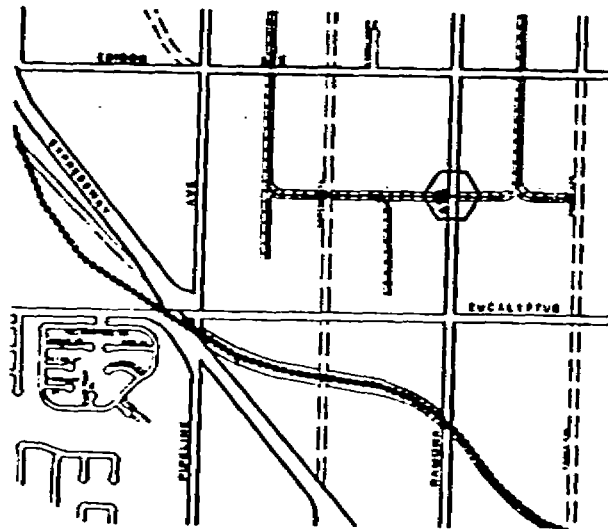


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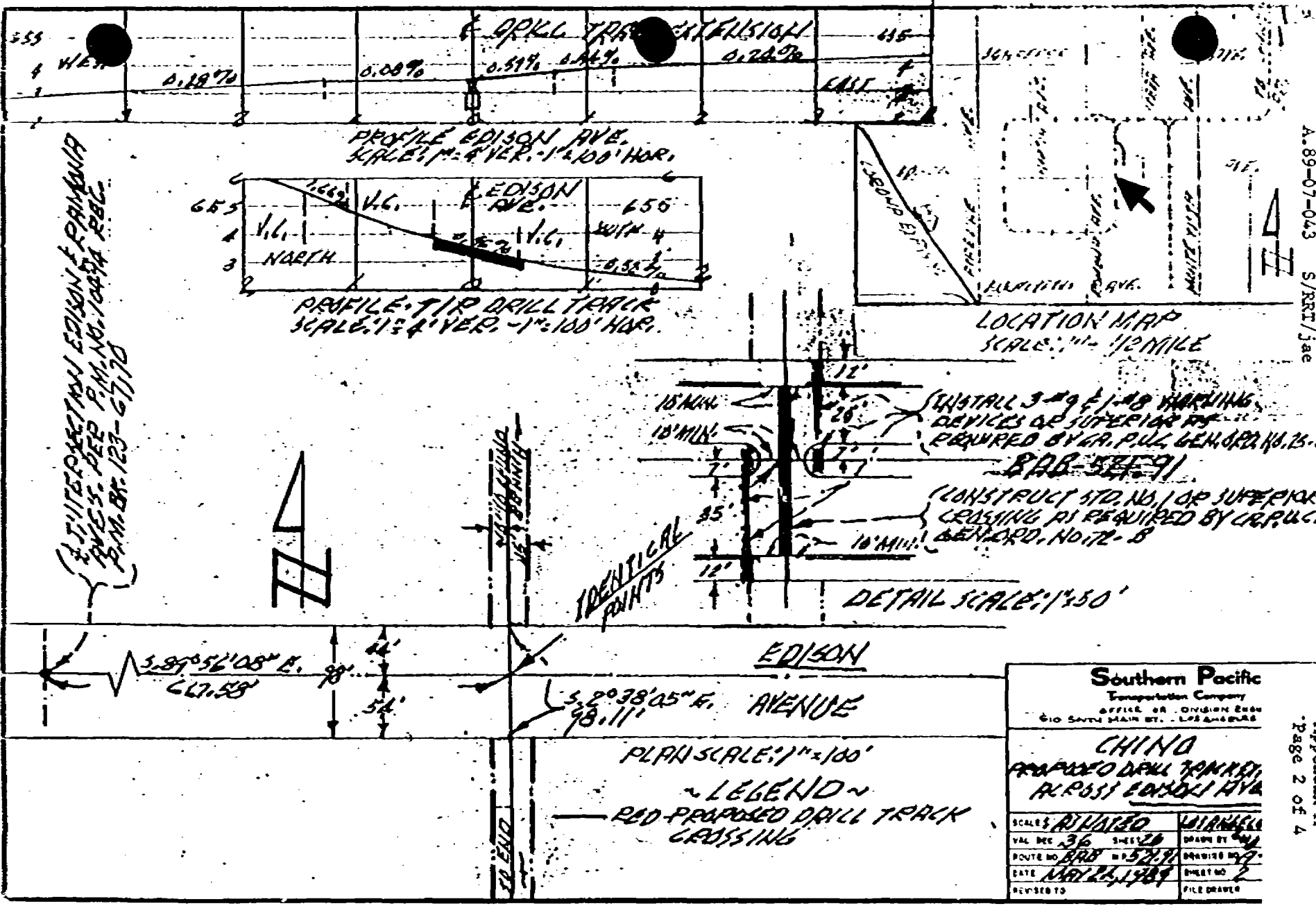
N89°56'08"W ⊕ EDISON AVENUE

EXISTING RIGHT-OF-WAY

CENTERLINE OF RAILROAD



EVUITIT 1101



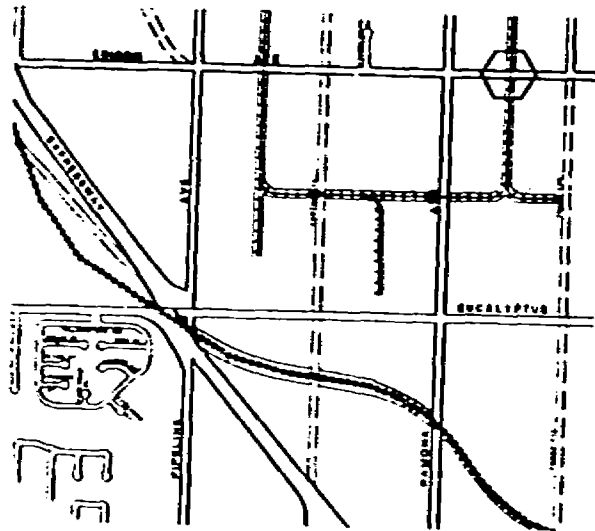
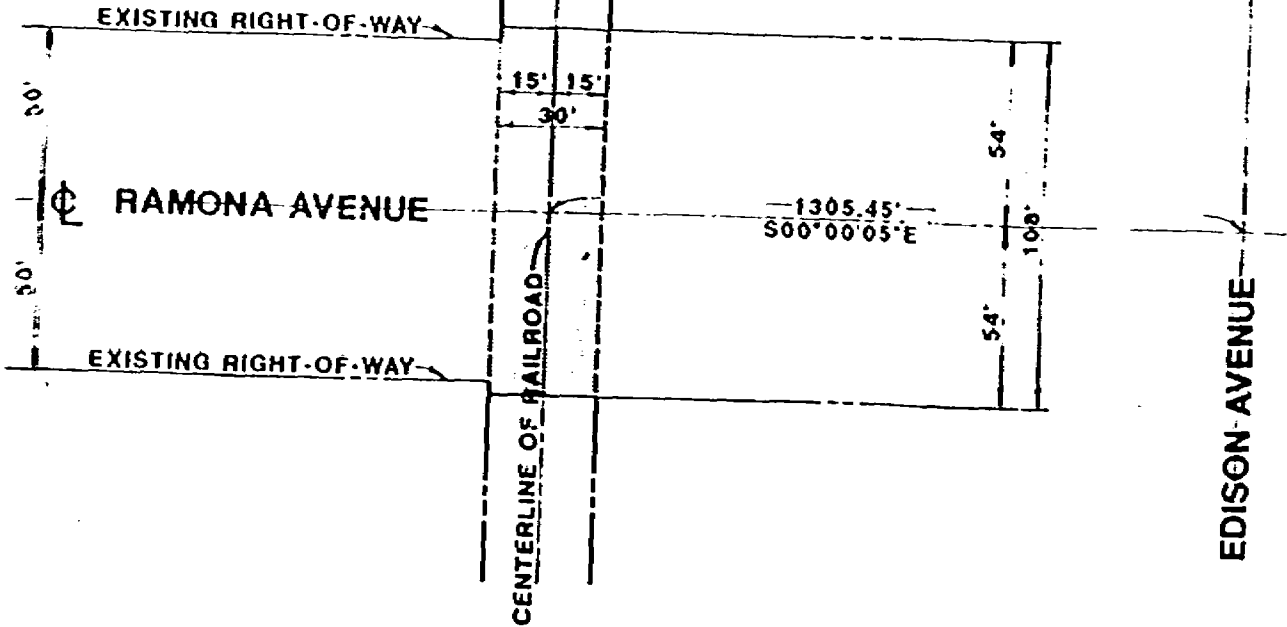
(A) INTERSECTION EDISON & FRAMMENA
 AVES. PER P.M. NO. 10074 R.E.C.
 P.M. 87-123-67170

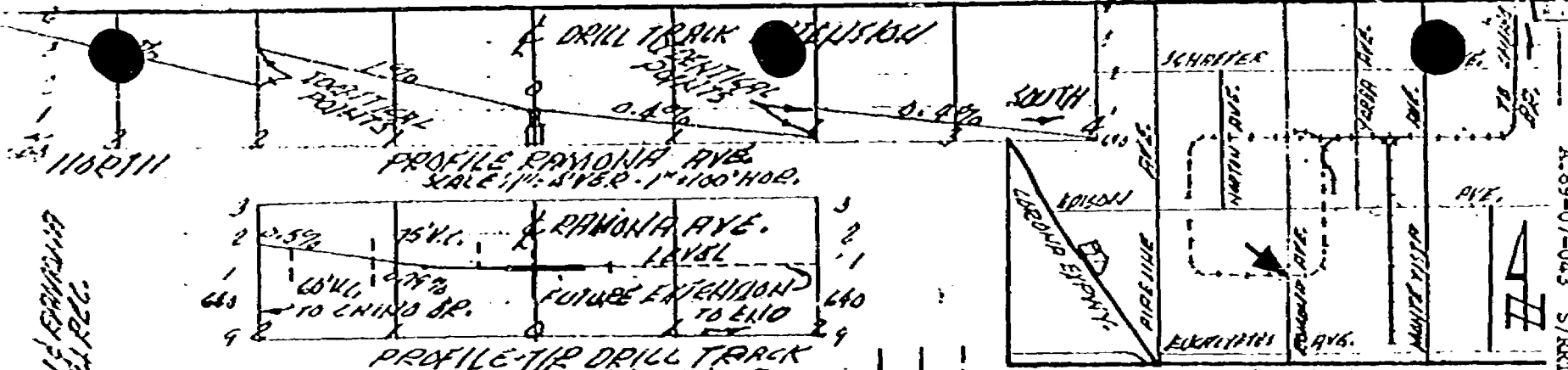
Southern Pacific Transportation Company OFFICE 48 DIVISION 2808 610 SOUTH MAIN ST. - LOS ANGELES	
CHINO PROPOSED DRILL TRACK ACROSS EDISON AVE	
SCALE: AS SHOWN	DATE: MAY 22, 1989
VAL DEC 36 SHEET 20	DESIGNED BY: [initials]
ROUTE NO. 800 # 5719	DRAWN BY: [initials]
REVISED TO	FILE DRAWER

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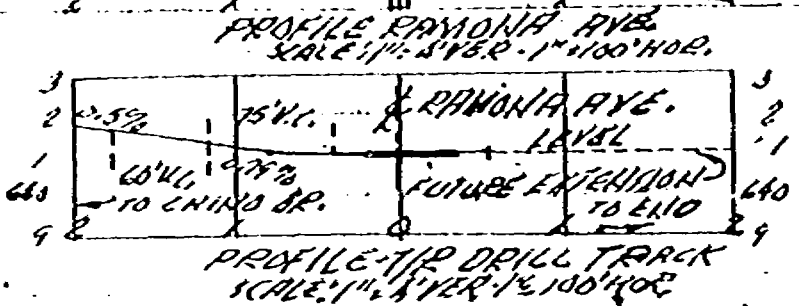
Appendix A
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N.T.S.

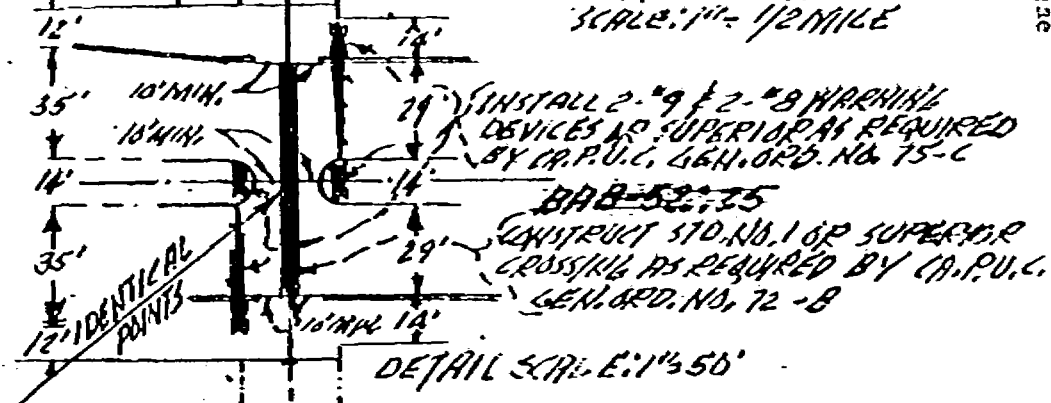




LOCATION MAP
SCALE: 1" = 1/2 MILE

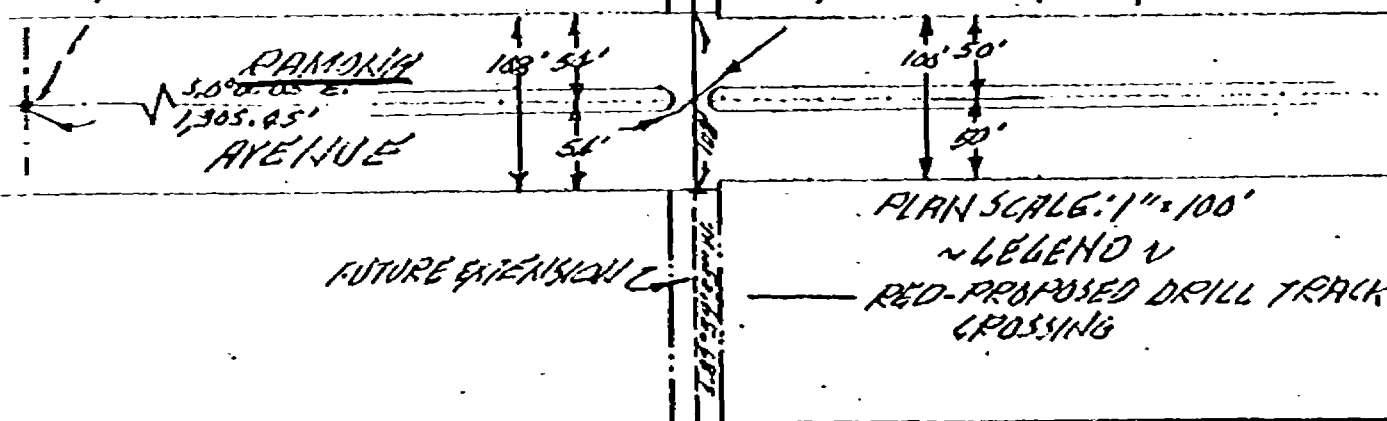
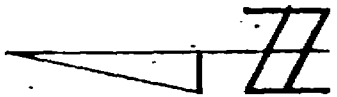


PROFILE-TYP DRILL TRACK
SCALE: 1" = 8" VER. 1" = 100' HOR.



DETAIL SCALE: 1" = 50'

INTERSECTION OF RAMONA AVENUE, CHINO, CALIF. PER P.M. NO. 10041 REC. PLAN EX. 123-67-70



PLAN SCALE: 1" = 100'
~ LEGEND ~
— RED-PROPOSED DRILL TRACK CROSSING

Southern Pacific Transportation Company OFFICE OF DIVISION ENGINEER 60 SOUTH MAIN ST., LOS ANGELES	
CHINO PROPOSED DRILL TRACK ACROSS RAMONA AVENUE	
SCALE: AS NOTED	LOS ANGELES
VAL. SEC. 3/4	SHEET 26
ROUTE: RAB W-52-35	DRAWN BY: [initials]
DATE: MAY 23, 1937	SHEET NO. 1
REFUSED TO	FILE DRAWER