

S/RRT/jae

Decision 90 10 025 OCT 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The City of Rancho Cucamonga to
Construct a City Street across the
Right of Way of The Atchison, Topeka
and Santa Fe Railway Company at
Jersey Boulevard in the central Rancho
Cucamonga area.

Application 89-12-003
(Filed December 1, 1989,
Amended March 22, 1990)

O P I N I O N

As part of the project to develop Industrial Specific Plan-(APN 229-111-23), an area of 131 acres of land into 24 parcels designated for Heavy Industrial use, the City of Rancho Cucamonga (City) requests authority to construct Jersey Boulevard across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) industrial drill track in Rancho Cucamonga, San Bernardino County.

The portion with which this particular project deals is Environmental Assessment and Tentative Parcel Map 11891 which involves development of the area generally bounded on the north by Arrow Highway, on the east side by Rochester Street, on the south by the Main Line tracks of AT&SF and on the west by an AT&SF industrial drill track.

The new Jersey Boulevard crossing will provide additional access, improve circulation patterns, and increase convenience to existing and projected development in the area. Due to the expected growth in this area, including the proposed construction of a municipal fire station at the southwest corner of Milliken Avenue and Jersey Boulevard, the new street will provide public

access and reduce response time for emergency vehicles to areas west of the crossing.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 2100, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On June 20, 1989 a Notice of Determination was filed with the 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 reviewed and considered the lead agency's Initial Study and Negative Declaration.

The site of the proposed crossing of Jersey Boulevard has been inspected by the Safety Division staff, who after discussion of the street geometrics and future traffic demands with the city and railroad officials, concurs with the proposed installation of four Standard No. 9 automatic gate-type signals.

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 a street or highway across a railroad track. Detailed drawings of the proposed construction are included in the Appendix attached to this order.

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 is not included within the standards of the 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.

AT&SF filed a protest on January 5, 1990 stating among other things that the railroad maintains spur track switches

on either side of the proposed crossing and that created the potential for blocking the Jersey Boulevard crossing for periods of time in excess of that prescribed by GO 135, when switching operations are performed. GO 135 limits the time that a crossing may be blocked to 10 minutes.

On April 24, 1990, City sent the Commission Docket Office a letter to supplement an Amendment filed March 22, 1990, stating that the City was agreeable to Jersey Boulevard being blocked up to 25 minutes by railroad switching movements.

AT&SF withdrew its protest to the application by motion filed April 21, 1990. There are no other unresolved matters, a public hearing is not necessary. Notice of the application and amendment were published in the Commission's Daily Calendar on December 7, 1989 and March 27, 1990, respectively.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Jersey Boulevard at grade across an industrial drill track of AT&SF in Rancho Cucamonga, San Bernardino County.

2. The proposed crossing is required to provide access and adequate circulation for commercial and industrial development in the Rancho Cucamonga area.

3. Public convenience and necessity require construction of the Jersey Boulevard grade crossing.

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

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

6. A variance from GO 135, Sections One and Two, will be required to permit the occupancy of Jersey Boulevard crossing

by AT&SF for periods not to exceed 25 minutes during switching operations by railroad forces.

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.

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. A variance from GO 135, Sections One and Two should be granted to permit AT&SF to perform switching operations for periods not to exceed 25 minutes at Jersey Boulevard crossing.

ORDER

IT IS ORDERED that:

1. The City of Rancho Cucamonga (City) is authorized to construct Jersey Boulevard at grade across the tracks of The Atchison, Topeka & Santa Fe Railway Company's (AT&SF) industrial drill track in Rancho Cucamonga, San Bernardino County, at the location and substantially as shown by the plans attached to the application and the Appendix of this order, to be identified as Crossing 2-95.8-C.

2. City is granted an exemption from General Order (GO) 72-B to permit the 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 grade 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).

6. City and AT&SF are granted a variance from GO 135 Sections One and Two to permit the blocking of the crossing by the railroad for up to twenty five minutes during switching operations.

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

8. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

9. Construction plans of the crossing, approved by AT&SF, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety Division prior to commencing construction.

10. Within 30 days after completion of the work under this order, City shall notify the Commission's Safety Division in writing that the authorized work has been done.

11. 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.

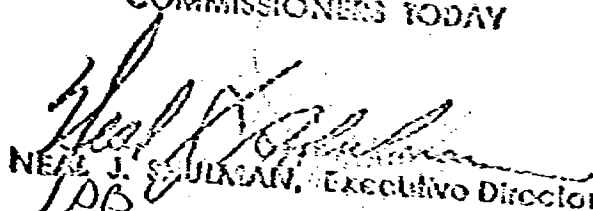
12. The application is granted as set forth above.

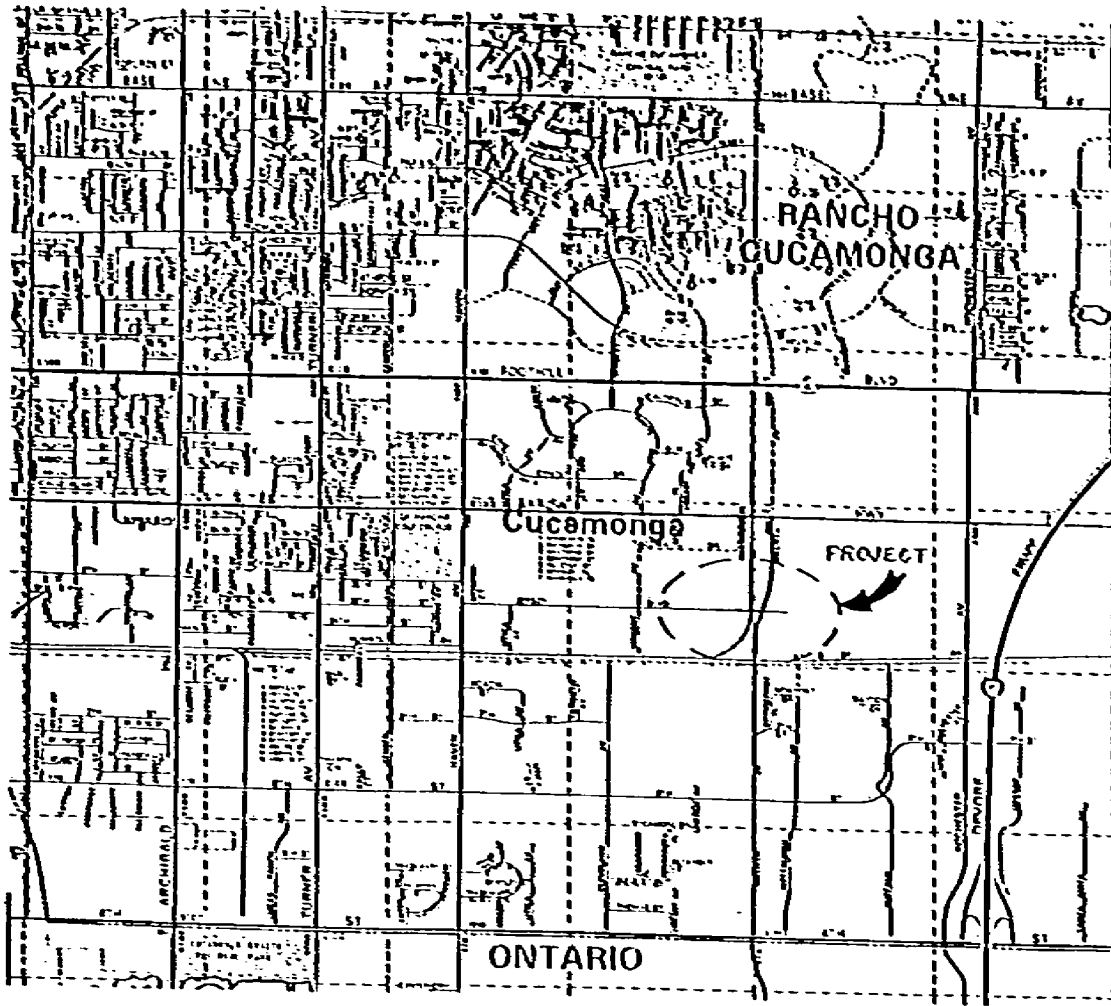
This order is effective 30 days from today.

Dated OCT 12 1990, 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


NEAL J. SULLIVAN, Executive Director



SCALE 1" = 1/2 MILE

EXHIBIT 2
REGIONAL MAP

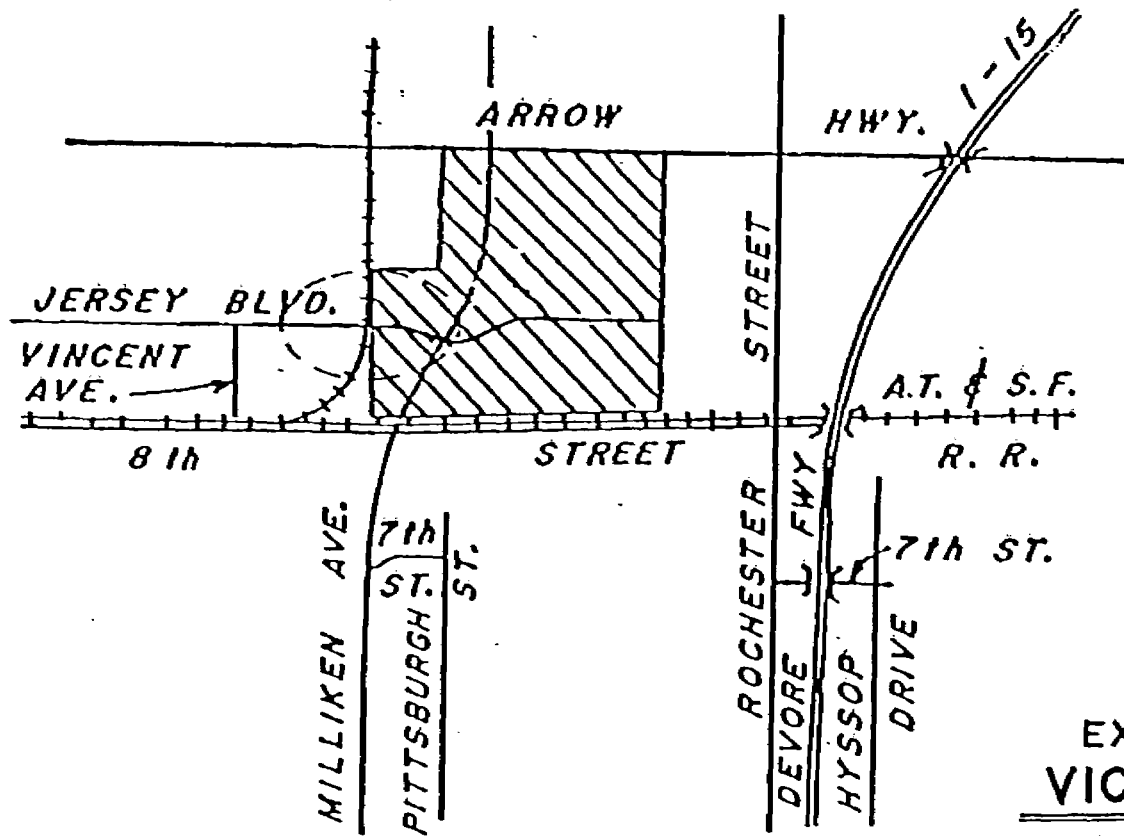
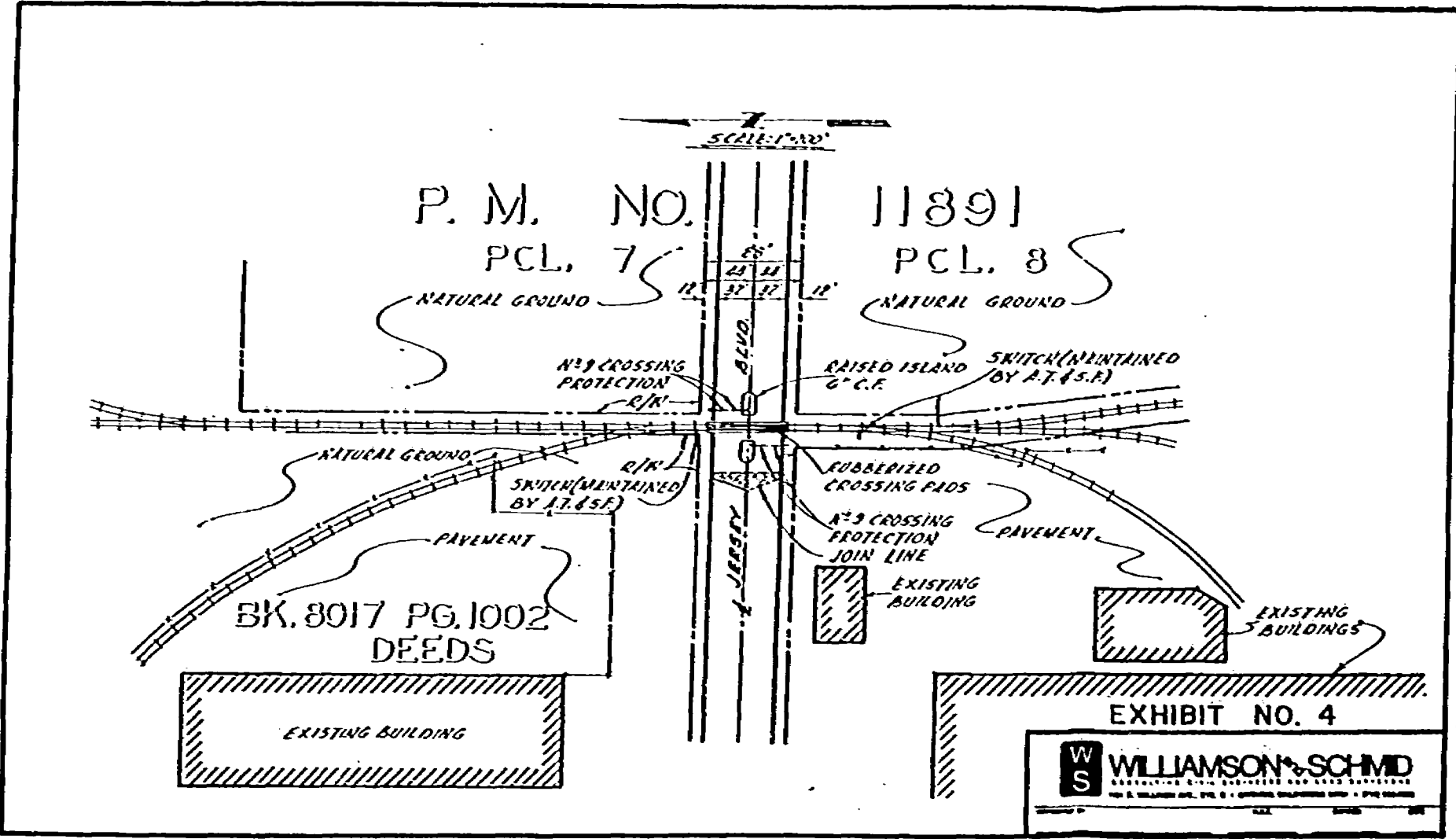


EXHIBIT 3
VICINITY MAP



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