

S/RRT/lc*

Decision 90-12-033 December 6, 1990

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 an
industrial lead track at grade over
and across Brown Avenue near mile
post 56.46, Crestmore branch, in the
County of Riverside, State of
California.

ORIGINAL

Application 90-08-019
(Filed August 7, 1990)

O P I N I O N

As part of the project to develop Industrial Specific Plan 210 - (Agua Mansa), for commercial and industrial use, the Union Pacific Railroad Company (UP) requests authority to construct an industrial lead track at grade across Brown Avenue in the Crestmore district of Riverside County.

The lead track will allow rail service into the Agua Mansa Industrial Center from UP's Crestmore branch line. Brown Avenue is a new public street between Agua Mansa Road and Wilson Street. Rail service is essential to the development of the industrial center.

The Agua Mansa Industrial Center straddles the Riverside - San Bernardino County line. San Bernardino County is the lead agency for the Agua Mansa Industrial Center under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. San Bernardino County filed a final Environmental Impact Report (EIR) with Riverside County, which reviewed the impacts and the mitigation measures. On June 3, 1986, the Clerk of the Board of Supervisors, Riverside County, recorded the board's final approval of the project with adoption of a final addendum to the EIR, and final incorporation of EIR 216 into Riverside County's specific plan for the Agua Mansa Industrial Center.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the final addendum to

the EIR and Riverside County's resolution adopting Specific Plan No. 210. The impact of the proposed project on the environment was generally determined to be as follows:

Impact: Conversion of the Agua Mansa area from a somewhat rural to an urban character will occur because of the loss of open space. Unavoidable impacts to the existing visual and aesthetic characteristics of the area will also result from implementation of the project. The project areas' most significant visual resources are located in the Santa Ana River flood-plan along Agua Mansa Road. These resources, which consist of rural agricultural uses and lush riparian vegetation, will be preserved through the Specific Plan's land use designation for these areas.

Mitigation: Implementation of the Project will stimulate economic development within the area and will increase employment opportunities to the greatest extent feasible. A large portion of the Project area is already devoted to heavy industrial land uses. This project will serve to "infill" those remaining vacant areas.

Proponents Environmental Assessment (Exhibit D) attached to the application indicates that the railroad crossing itself will have no significant effect on the environment.

The site of the proposed project has been inspected by the Safety Division's Traffic Engineering staff. The staff examined the need for and the safety of the proposed crossing. The staff recommends that the new crossing be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure which relates to the construction of railroad track across public highways. Details from the drawings

of the crossing are shown in Appendix A.

Notice of the Application was published in the Commission's Daily Calendar on August 15, 1990. 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 a lead track over Brown Avenue in the Crestmore district of Riverside County.

2. The lead track is required to provide rail service to the Agua Mansa Industrial Center from UP's Crestmore branch.

3. Public convenience and necessity require construction of the proposed lead track and grade crossing.

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

5. Pending installation of the automatic signals, the requirements of public safety may be met by the installation of two Standard No. 1-R railroad crossing signs (GO 75-C) and flagging of the crossing.

6. San Bernardino County also acting in behalf of Riverside County 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 San Bernardino County's EIR, Riverside County's Resolution No. 86-129 and UP's Proponents Environmental Assessment.

8. The project will have a significant effect on the environment, but mitigation measures will reduce the impact to acceptable levels.

Conclusion of Law

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

ORDER

IT IS ORDERED THAT:

1. Union Pacific Railroad Company (UP), is authorized to construct an industrial lead track at grade across Brown Avenue in the Crestmore district of Riverside 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 No. 3-56.46-C.

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

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

4. For a period not to exceed one year from the date of this order protection at the crossing may be two Standard No. 1-R railroad crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing unless 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 flagman. The flagman shall place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

5. Written instructions shall be issued by UP to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission's Safety Division staff within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Brown Avenue calling the attention of trainmen to the flagging instructions.

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

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

8. Construction plans of the crossing, prepared by UP, 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.

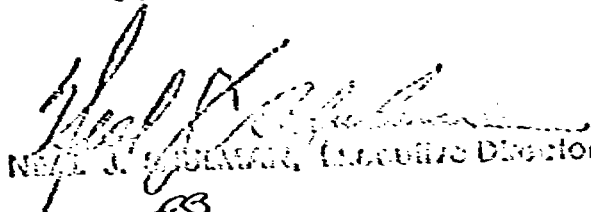
9. Within 30 days after completion of the work under this order, UP shall notify the Commission's Safety Division in writing that the authorized work has been done.

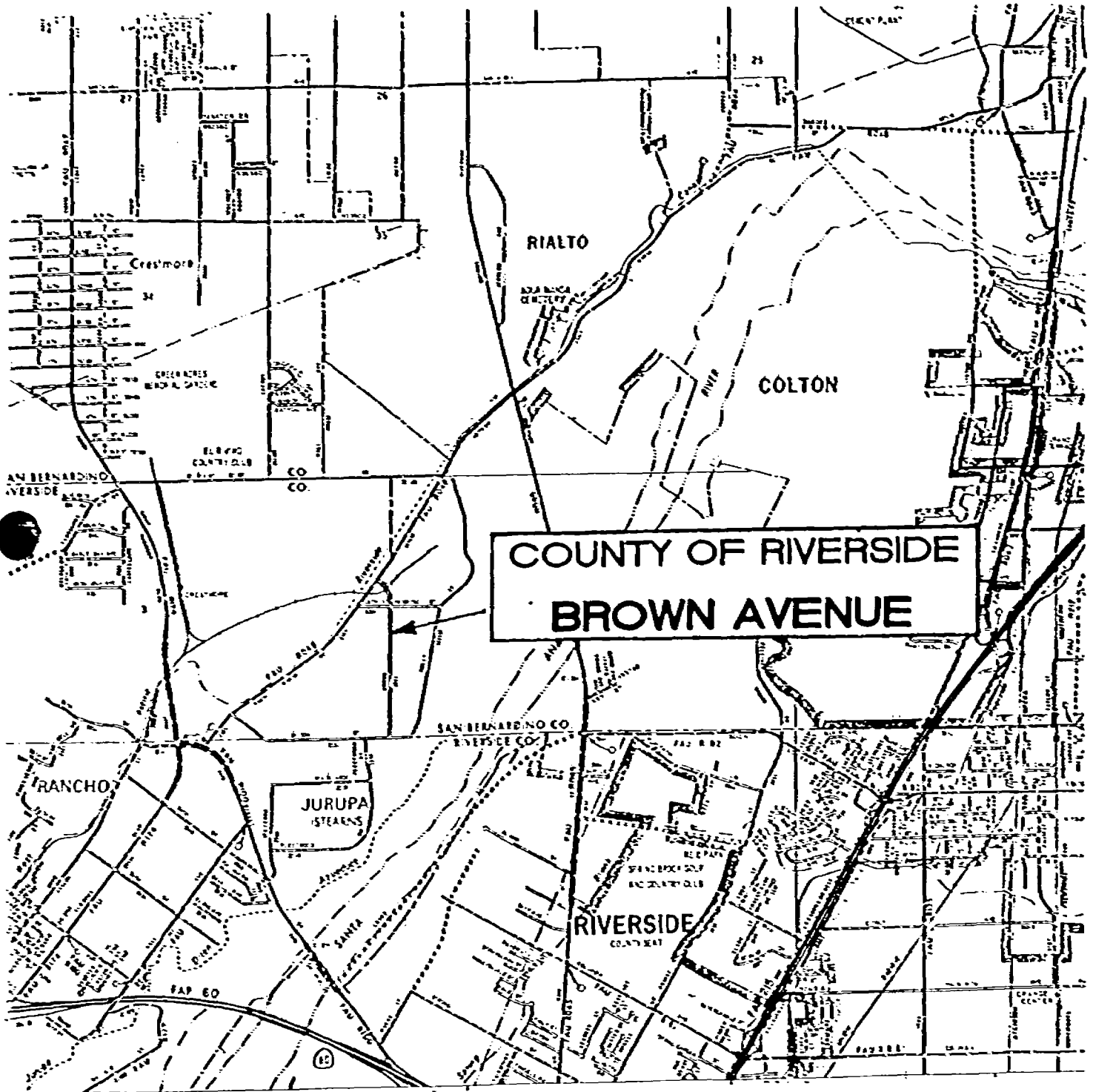
10. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

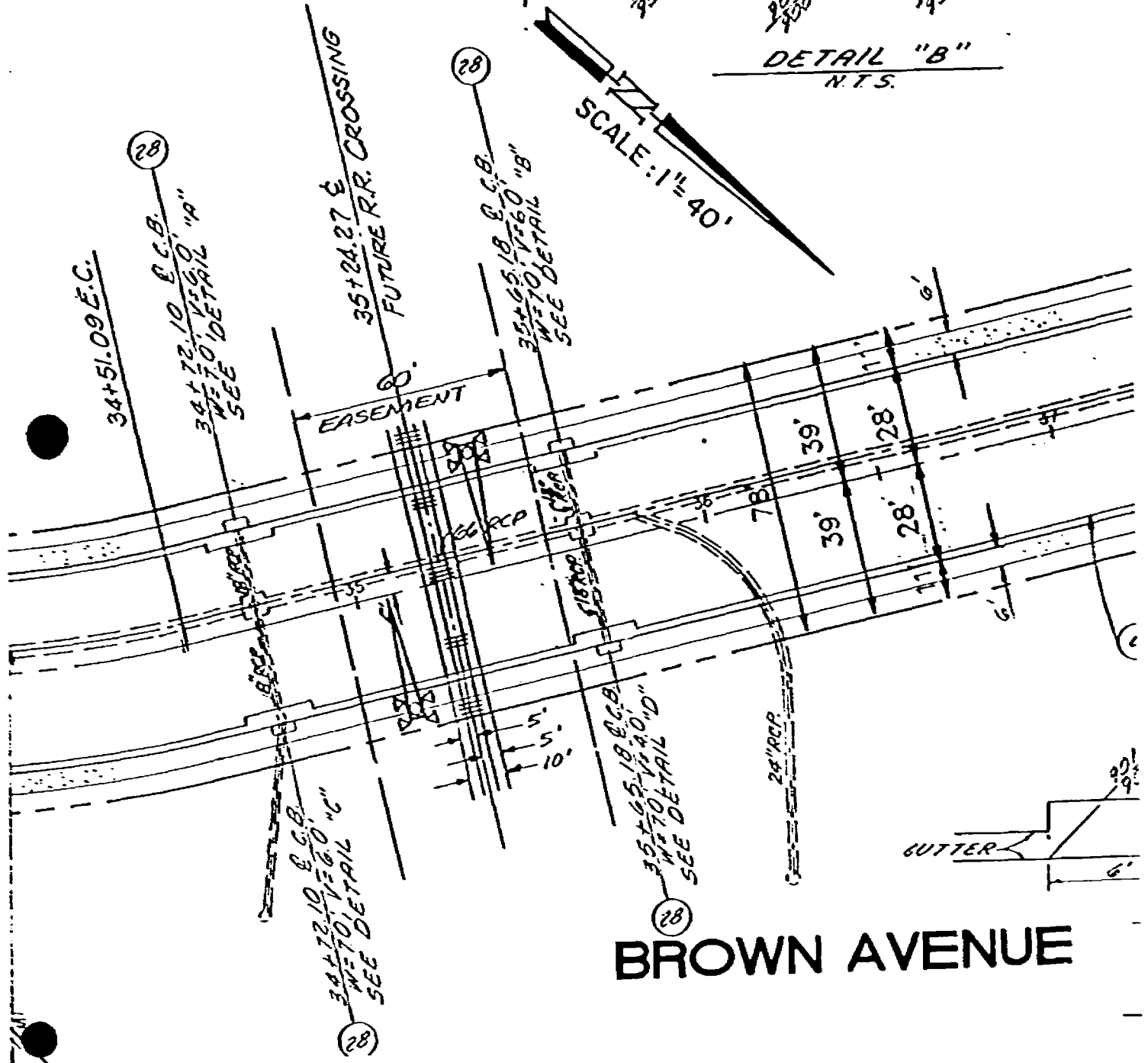
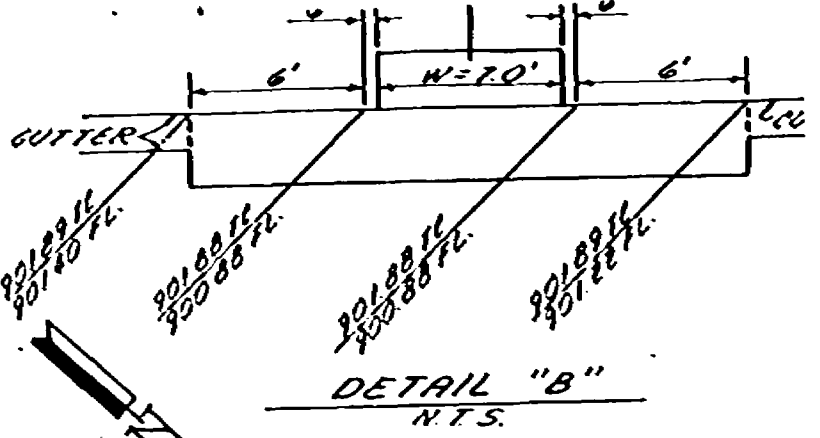
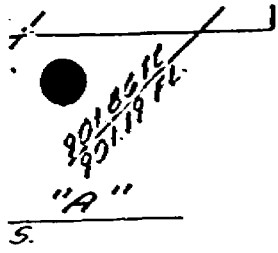
11. The application is granted as set forth above.
This order is effective 30 days from today.
Dated DEC 6, 1990, at San Francisco, California.

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. SUSSMAN, Executive Director
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SCALE: 1" = 40'

BROWN AVENUE