

Decision 91 04 029 APR 10 1991

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 Spur Track at Grade Over )  
and Across Philadelphia Avenue near )  
Mile Post 43.5, in the City of )  
Ontario (San Bernardino County), and )  
County of Riverside, State of )  
California. )

**ORIGINAL**

Application 90-06-056  
(Filed June 25, 1990)

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 grade crossing is necessary to accommodate one industrial spur track connecting UP's main line south of Philadelphia Street, as part of the Baxter Health Care Industrial Park, generally located in the area bounded by Philadelphia Street on the south, Jurupa Avenue on the North, Milliken Avenue on the west and Interstate 15 on the east. The proposed spur track will provide rail service to the Baxter Health Care Industrial Park which will be composed of light manufacturing facilities and other commercial enterprises.

The City of Ontario (City) also acting in behalf of 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. City Prepared an

Initial Study and Negative Declaration which were forwarded to the San Bernardino County Clerk on November 26, 1990. The Negative Declaration states, that it has been determined based on the City's Initial Study that the crossing project will not have a significant effect on the environment. In addition proponent's Environmental Assessment, Exhibit D attached to the Application, also concludes that the crossing will have no 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.

Findings of Fact

1. Notice of Application was published in the Commission's Daily Calendar on June 29, 1990. No protests have been received. A public hearing is not necessary.
2. 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).
3. The proposed industrial spur track crossing is required to provide rail service to Baxter Health Care Industrial Park which is being developed for light manufacturing and commercial use.

4. Public convenience and necessity require construction of the proposed industrial spur track crossing.

5. Public safety requires that protection of the crossing be four Standard No. 9A automatic gate-type signal with cantilever arms (General Order(GO)75-C).

6. Because of the urgency for rail service, UP 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.

7. City is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered City's Initial Study and Negative Declaration.

9. This 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.

ORDER

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 3-43.45-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 four Standard No. 9-A automatic gate-type signals with cantilever arms (GO 75-C).

4. For a period not to exceed one year from the effective date of this order, protection at the crossings may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing 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 crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Philadelphia Street 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 UP.

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

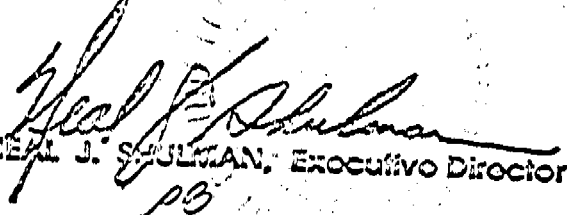
8. Within 30 days after completion of the work under this order, UP shall notify the Commission in writing that the authorized work has been completed.

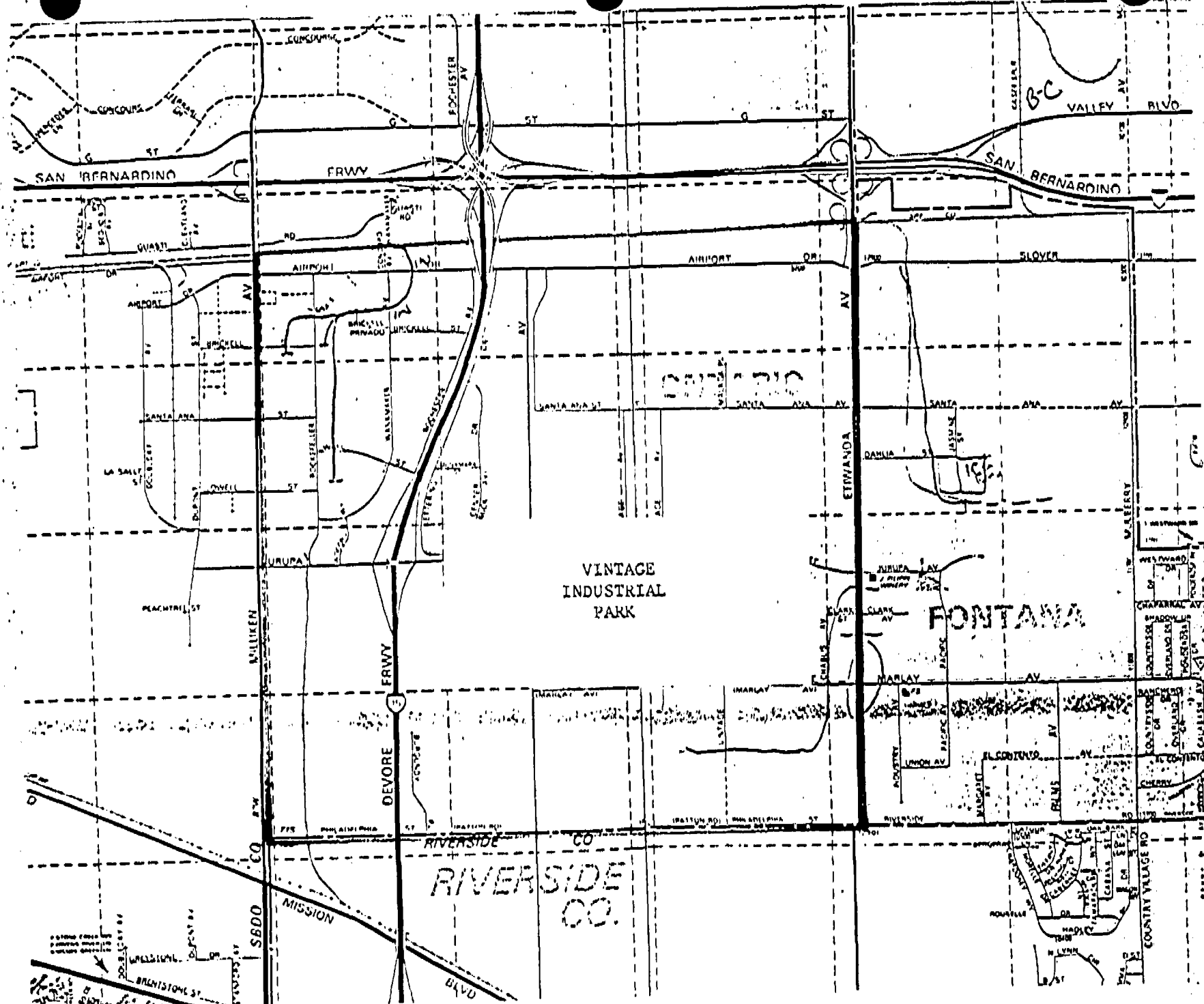
9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. The application is granted as set forth above.  
This order becomes effective 30 days from today.  
Dated APR 10 1991, at San Francisco, California.

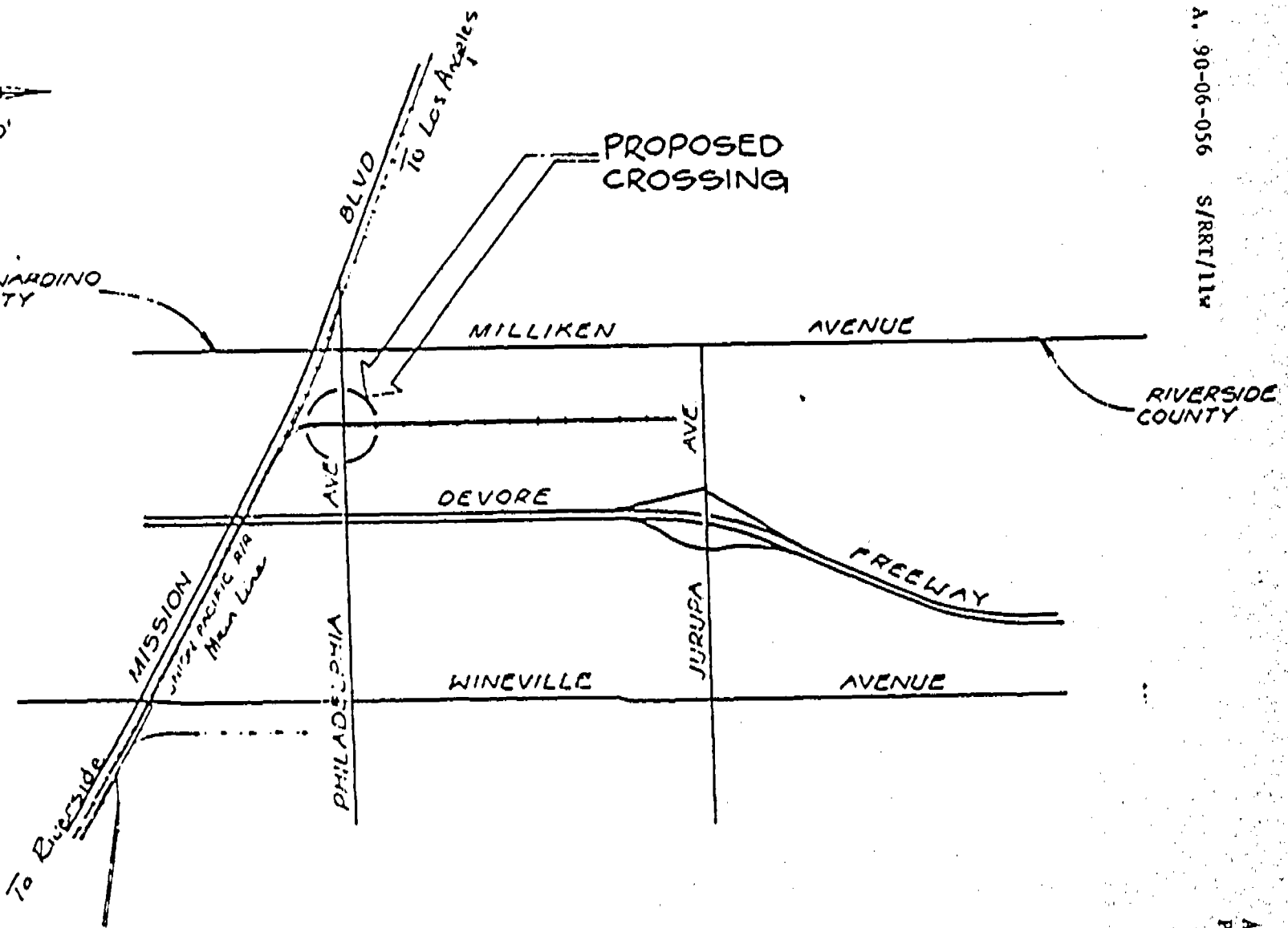
PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. O'BANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SULMAN, Executive Director  
PB



SCALE: 1"=2000'



VICINITY MAP

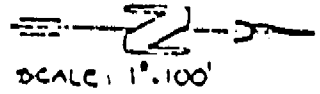
E MILLIKEN AVE

(10+00 00)

E PHILADELPHIA AVE.

A. 90-06-056

S/RR/114



PCL 2  
PM N. 22281

EXIST ST R/W -

PARCEL LINE

EXIST 6' CURB

PROFILE "A"

SEE SHT N. 1a

PROP BUILDING

--- PROP ST R/W

--- PROP 6' CURB

--- EXIST C/P

--- EXIST AC PAVEMENT 24' WIDE

19+36.19 E PROP RAIL  
(20+48.98) E PHILADELPHIA

PROPOSED  
RAILROAD CROSSING

EXIST FENCE

PCL 3  
PM N. 22281

EXIST DWY -

EXIST PARKING LOT

EXIST BLDG

PROFILE "B"  
SEE SHT. N. 1a

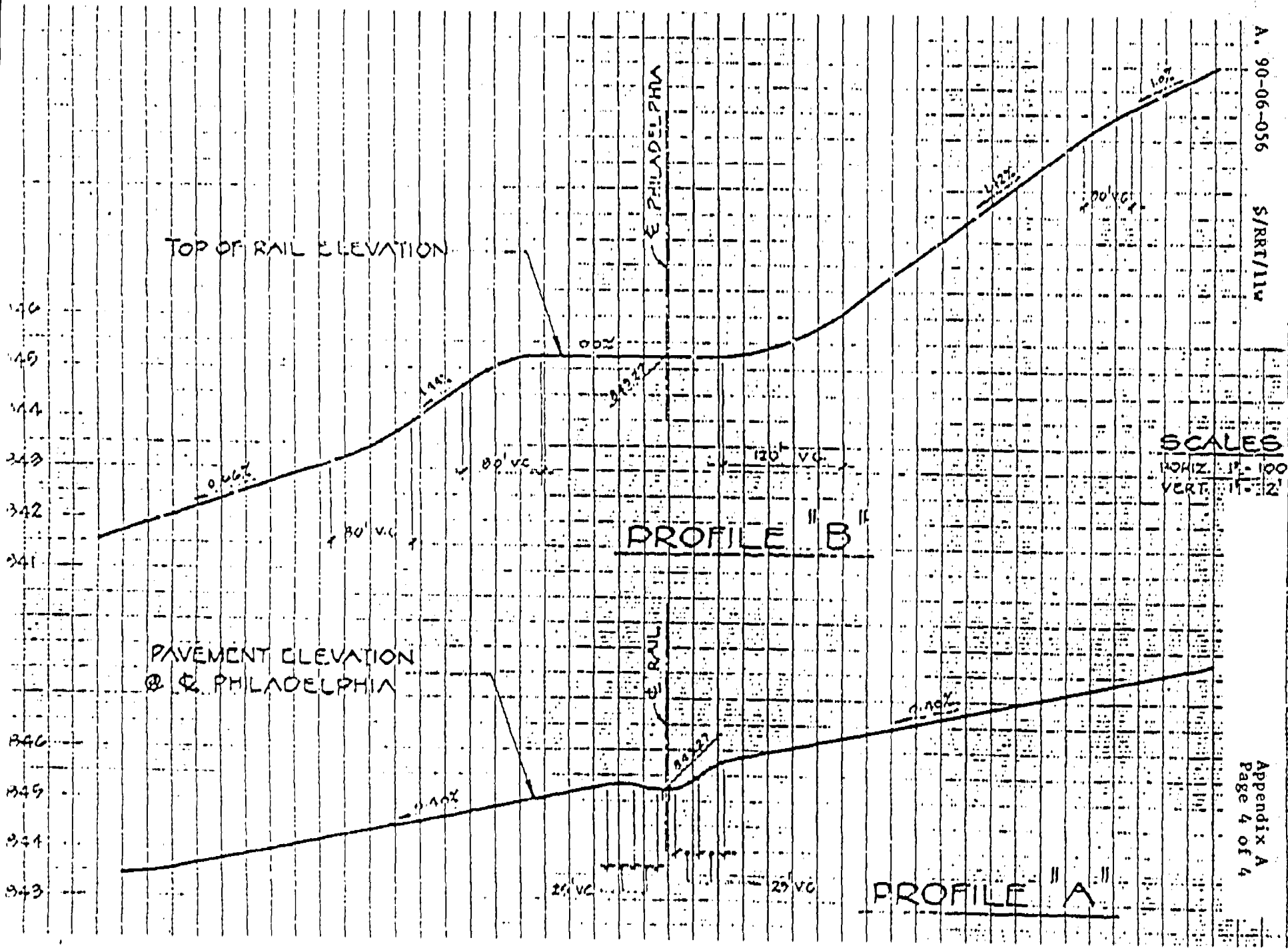
WATER TANK

COUNTY OF RIVERSIDE  
CITY OF SAN MARI

PROP DRIVEWAY

--- PROP BUILDING





A. 90-06-056  
 S/RRT/11W  
 851  
 850  
 849  
 848  
 847  
 846

848  
 847  
 846