

A.91-04-028 S/RRT/rm/sh*

verified by review of current Thomas Guide Maps of the Ontario Area, as well as discussions with City officials. Henceforth in our order, we will use the word Avenue in lieu of Road to designate the underpass.

City 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 of an Initial study, City issued a Negative Declaration. A Notice of Determination was filed with the San Bernardino County Clerk on July 1, 1991, which found, "The construction of Wineville Avenue and underpass of SPT railroad 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 lead agency's Initial Study and Negative Declaration. The Safety Division's Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed grade separation at the location indicated in A. 91-04-028 and Appendix A of this order, the staff concurs with the lead agency regarding the potential beneficial impacts, increased safety and compatibility with the local street systems and recommends authority be granted to construct the proposed underpass.

A. 91-04-028 was found to be in compliance under the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of public highways across a railroad. Detailed drawings of the proposed grade separation and street geometrics are shown in Appendix A.

Findings of Fact

1. Notice of the A. 91-04-028 was published in the Commission's Daily Calendar on April 26, 1991. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Sections 1201-1205 to construct Wineville (Road) Avenue Underpass at separated grades under SPT's El Paso Main Line tracks in Ontario, San Bernardino County.

3. Railroad operations require temporary construction of a shoofly track south of SPT's Main Line tracks during construction of the grade separation structure.

4. Construction of Wineville (Road) Avenue Underpass is required to provide improved public access to developing industrial, commercial and residential areas located in the southeast part of Ontario, bounded on the North by San Bernardino Freeway - Interstate Route (I-10), on the East by Etiwanda Avenue, on the South by SPT's tracks, and on the West by Devore Freeway - Interstate Route (I-15).

5. Public convenience, necessity, and safety require construction of the Wineville (Road) Avenue Underpass.

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.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. City of Ontario (City) is authorized to construct Wineville Avenue Undercrossing at separated grades under the tracks of Southern Pacific Transportation Company's (SPT) El Paso Main Line in Ontario, San Bernardino County. The proposed project is to be identified as Crossing B-526.38-B, at the location and substantially as shown by plans attached to the Application (A.) 91-04-028 and Appendix A of this order.

2. City is authorized to construct a temporary shoofly track South of the existing operating tracks during construction of the railroad bridge structures.

3. Upon completion of the railroad bridge structure and restoration of the train traffic to its former alignment, the temporary shoofly shall be closed and physically removed.

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

5. Construction and maintenance costs shall be borne in accordance with an agreement which has been entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, shall be filed by the City with the Commission's Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. 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 completed.

7. This authorization shall expire if not exercised within three 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.

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8. A. 91-04-028 is granted as set forth above.
This order is effective today.
Dated October 6, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President

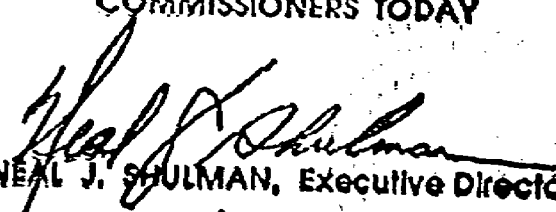
JOHN B. OHANIAN

PATRICIA M. ECKERT

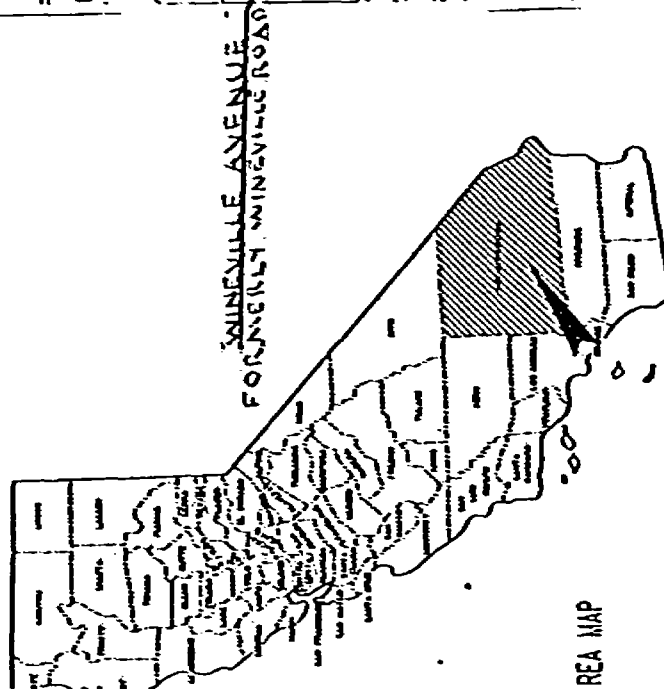
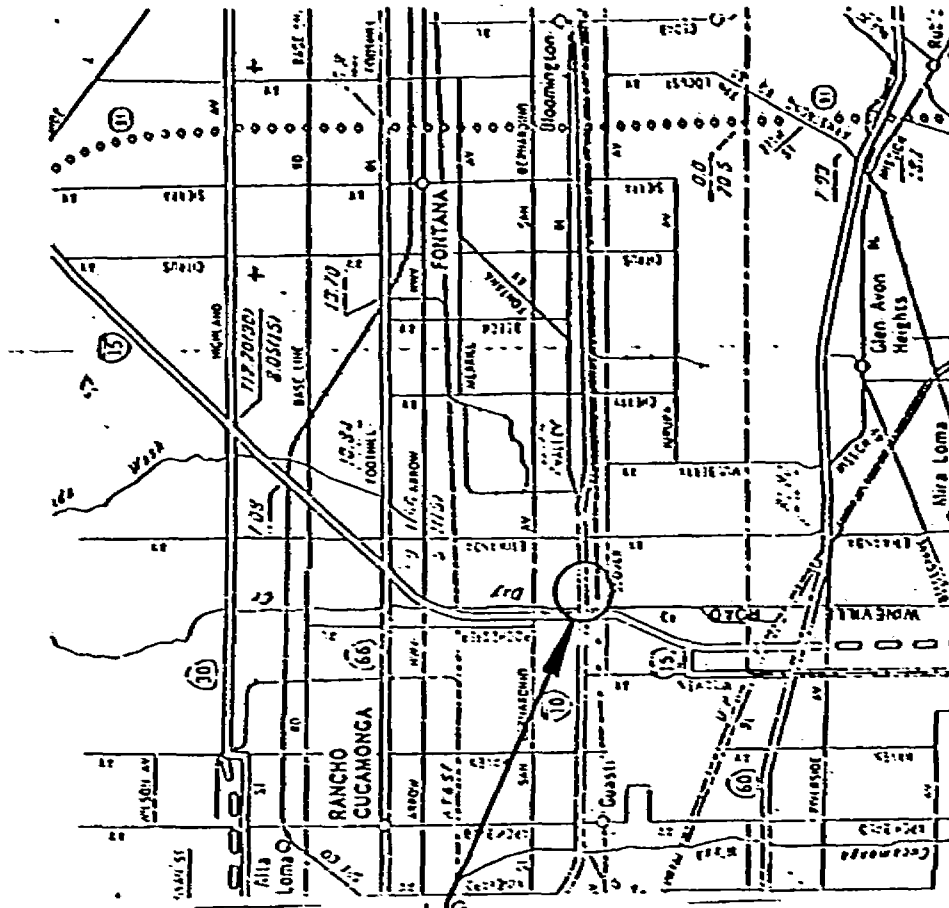
NORMAN D. SHUMWAY

Commissioners

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


NEAL J. SHULMAN, Executive Director

PB



LOCATION MAP

WINEVILLE AVENUE UNDERPASS
PUBLIC UTILITIES COMMISSION SHEET - EX

