

Decision 92 10 019 OCT 06 1992

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  
Fontana Industrial Lead Track A-54 at  
Grade Over and Across Dulles Drive  
near Mile Post 47.25, in the County of  
Riverside, State of California.

**ORIGINAL**

Application 92-06-028  
(Filed June 17, 1992)

O P I N I O N

As part of development of an area identified as Parcel Map 26365 within the Mira Loma Commerce Center, Union Pacific Railroad Company (UP) requests authority to construct an industrial lead track at-grade across Dulles Drive in the Mira Loma district of Riverside County. Parcel Map 26365 is bounded on the west by Etiwanda Avenue, on the east by the Etiwanda San Sevaine flood control channel, on the north by Philadelphia Avenue and on the south by State Route (SR) 60.

The Dulles Drive grade crossing, and the Inland Avenue grade crossing approved by Decision (D.) 92-07-081 dated July 22, 1992 in Application (A.) 92-03-035, will allow rail service into the southeast quadrant of the Mira Loma Commerce Center. Dulles Drive is a new public street. Rail and motor vehicle access into the development shown in Parcel Map 26365 is essential to growth of the center.

The development will eventually include removal of the Dixon/Stearns Winery spur track along the east edge of Etiwanda Avenue. This will eliminate the spur's public grade crossings over Etiwanda Avenue Crossing No. 3-45.7-C and Iberia Street Crossing No. 3-46.2-C, and two private temporary grade crossings at Inland Avenue and Hopkins Street. Lead track A-54 over the proposed Dulles Drive crossing will be connected to UP's main line by a new Dixon spur east of Wineville Avenue. Some of the new spur has been built, and its grade crossing over Philadelphia Street has been approved by the Commission by D.91-04-061 in A.89-03-010.

Completion of the Dixon spur relocation project will reduce the potential of train - vehicle conflicts along Etiwanda Avenue and reduce the number of grade crossings in the Mira Loma district.

Riverside County 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. After preparation of an Initial Study, the Planning Commission issued a Negative Declaration which found that the project will not have a significant effect on the environment. The finding was adopted and approved by the Riverside County Board of Supervisors on March 5, 1991.

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 project has been inspected by the Commission's Safety Division staff - Traffic Engineering Section. Staff examined the need for and the safety of the proposed industrial lead track crossing, and recommends that the application 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. A location map and details from the project plans are shown in Appendix A.

#### Findings of Fact

1. Notice of the application was published in the Commission's daily calendar on July 1, 1992. No protests have been received. A public hearing is not necessary.

2. UP requests authority under PU Code Sections 1201-1205 to construct industrial lead track A-54 at grade across Dulles Drive in the Mira Loma district of Riverside County.

3. Construction of the track is an essential element in providing rail service to the Mira Loma Commerce Center.

4. Completion of the Dixon spur relocation project will improve the safety of train operations into industrial lead track A-54 and other lead tracks within the Mira Loma Commerce Center.

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

6. Public safety requires that the grade crossing be protected by two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

7. 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.

8. Riverside County is the lead agency for this project under CEQA, as amended.

9. 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.

#### O R D E R

##### IT IS ORDERED that:

1. Union Pacific Railroad Company (UP) is authorized to construct an industrial lead track at grade across Dulles Drive in the Mira Loma district of Riverside County, to be identified as Crossing No. 3-47.25-C. The proposed crossing project is at the location and substantially as shown by the plans attached to the application and Appendix A of this order.

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

3. Construction of the grade crossing shall be equal or superior to Standard No. 8 of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

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

5. Until such time as the automatic protection is fully operative, or for a period of two years from the effective date of this order, whichever comes first, protection at the crossing may be two Standard No. 1-R 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.

6. UP shall issue written instructions to trainmen operating over the crossing to comply with the flagging instructions specified above. UP shall file a copy of these instructions with the Commission's Safety Division within 30 days after installation of the crossing. UP shall install suitable signs on both sides of Dulles Drive calling to the attention of trainmen the flagging instructions.

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

8. 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 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 Executive Director shall serve a copy of this order on UP, so that UP is informed of the obligations herein imposed upon it.

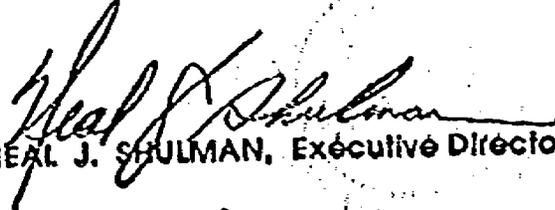
11. The application is granted as set forth above.

This order becomes effective 30 days from today.

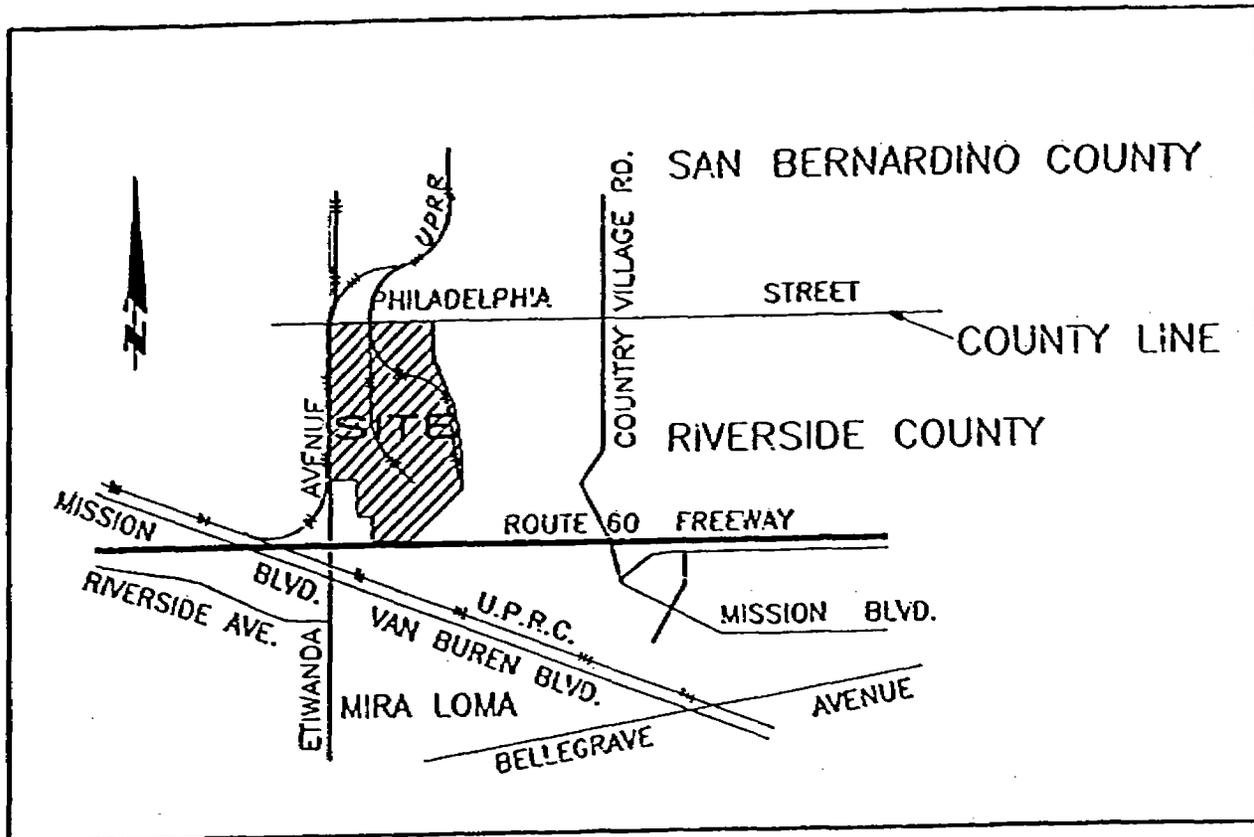
Dated OCT 06 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
JOHN B. CHANLAN  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

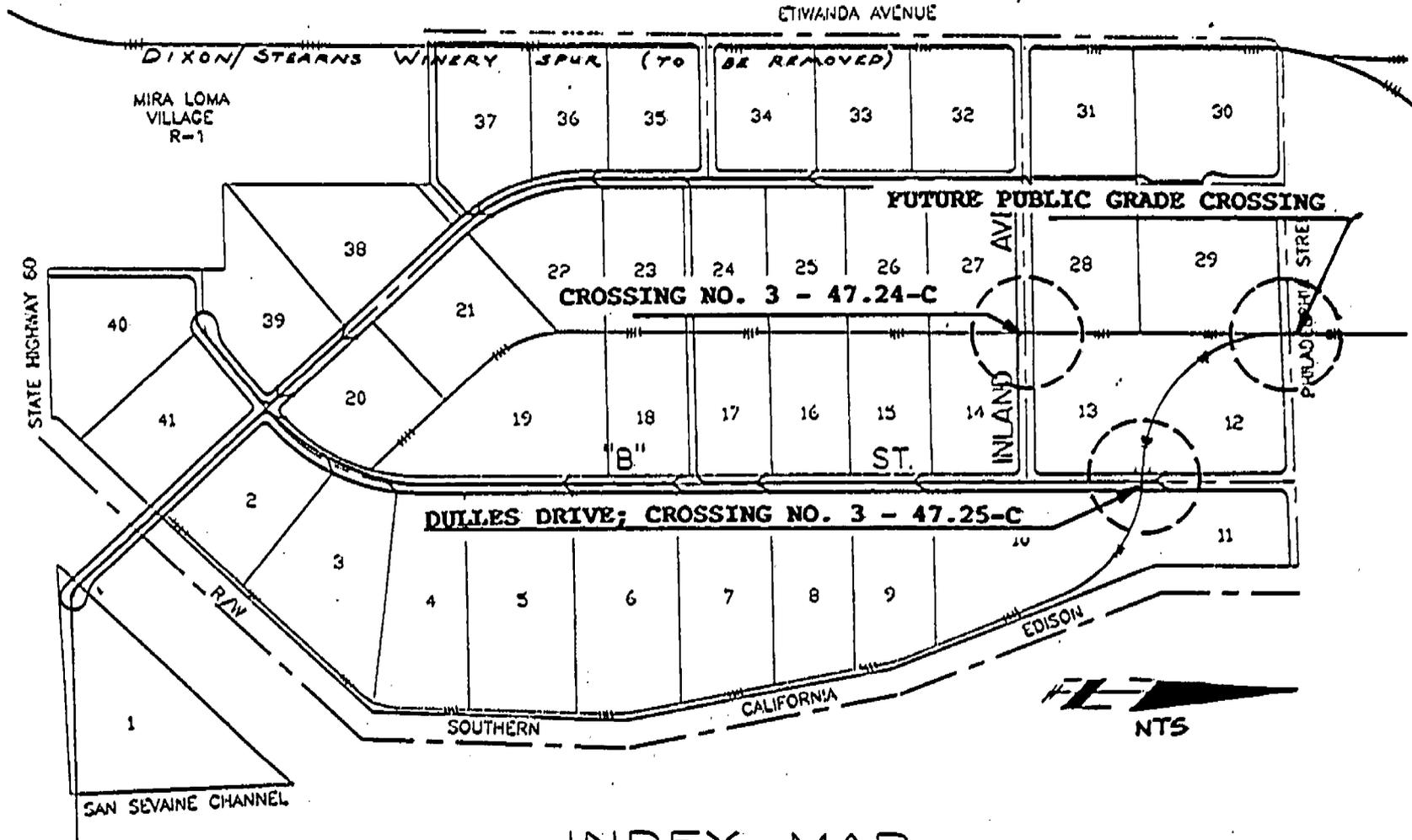
I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
NEAL J. SHULMAN, Executive Director

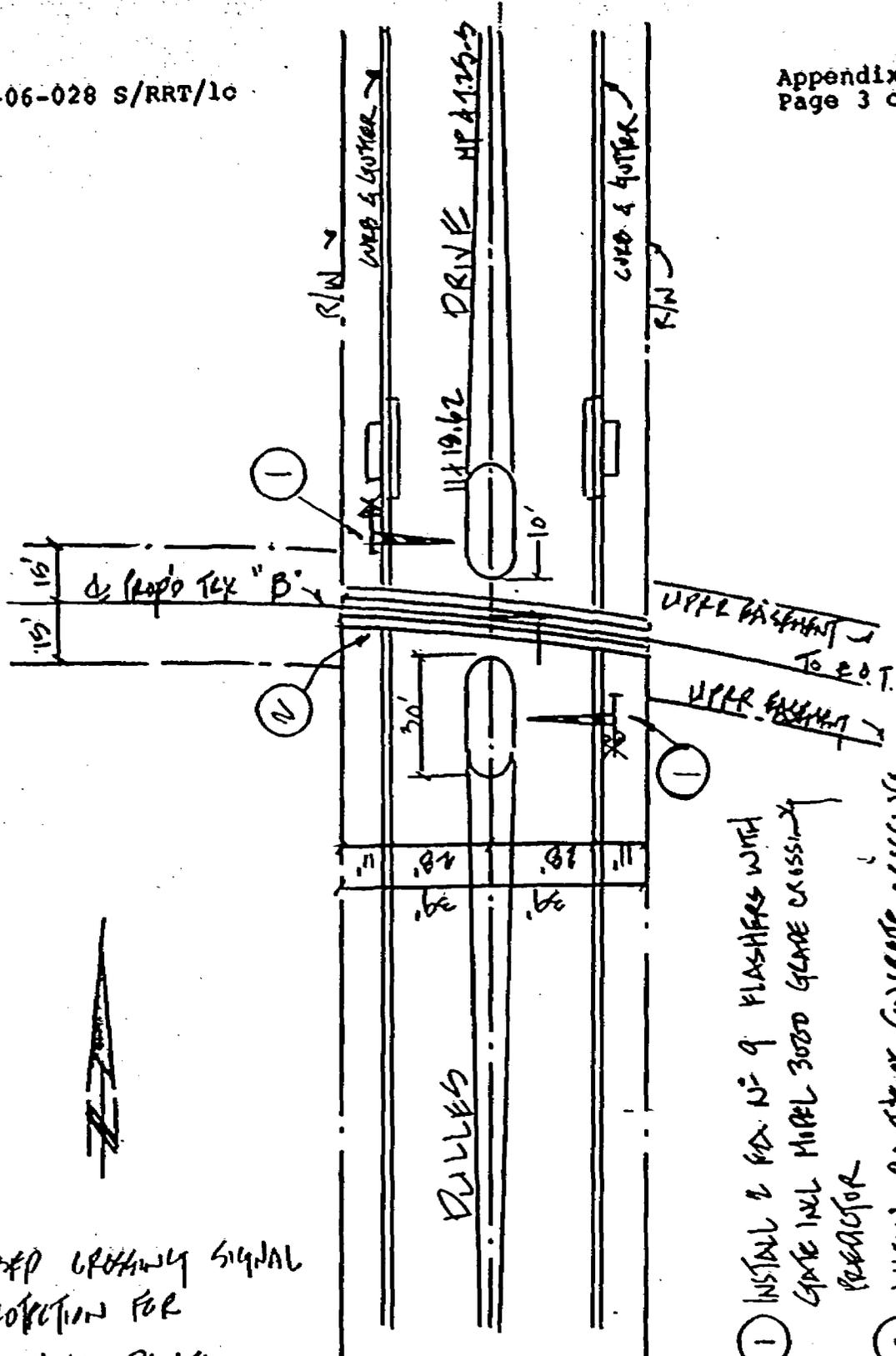
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VICINITY MAP



INDEX MAP



Proposed crossing signal  
protection for  
DULL'S DRIVE  
HP HP 4125

- ① INSTALL 2 PA. N° 9 FLASHERS WITH GATE INCL MODEL 3000 GEAR CROSSING REACTOR
- ② INSTALL 80 TP OF CONCRETE CROSSING

CA-244-10