

ORIGINAL

Decision 92-10-053 October 21, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Amended)	
Application of the County of Riverside)	Application 89-08-011
to construct county road across the)	(Filed August 7, 1989
tracks of the Atchison, Topeka and)	First Amendment,
Santa Fe Railway Company in Perris)	March 18, 1991
area.)	Second Amendment,
)	August 10, 1992)

O P I N I O N

As part of the project to provide improved public access to the Greater Perris Valley Industrial Park, a large parcel of land designated as Specific Plan CFD 87-1, west of Interstate Route (I-215) Freeway, between the limits of Cajalco Road and Nuevo Road, the County of Riverside (County) requests authority to construct "A" Street across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Jacinto Branch Line spur track, near Perris in Riverside County.

The proposed construction of "A" Street will allow increased vehicular traffic volumes generated by the development of industrial and commercial parcels to flow smoothly to major traffic arteries in the vicinity of the project, such as I-215, Ramona Expressway, Cajalco Road, Perris Boulevard and State Highway (SR-14) 14. It is County policy to maintain the highest level of traffic service possible during peak traffic hours.

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 and review of an Initial Study, County issued Negative Declaration for Environmental Assessment No. 32571 based upon the finding that the proposed project will not have significant impact 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 Déclaration. The site of the proposed at-grade crossing of the spur track 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 approval.

The application was found to be in compliance with the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad track. Detailed drawings of the proposed construction are included in the Appendix attached to this order.

AT&SF filed a protest to Application 89-08-011 on September 6, 1989 alleging that exhibits within the application did not provide sufficient detail of the proposed crossing to enable the railroad to determine whether or not the crossing was in accordance with railroad standards. Riverside County filed an amendment to the application on March 18, 1991 in response to the AT&SF protest. The railroad filed a protest to the amendment on April 17, 1991, stating that applicant had made no plans to construct catch basins on the curbside of "A" Street to intercept the flow of surface water prior to entering the track area.

A meeting was held on January 21, 1992 at the County Offices at which time all participating parties including the railroad and Commission staff came to an agreement regarding the geometrics of the crossing. On June 4, 1992 AT&SF withdrew its protest.

By second amendment filed August 10, 1992 Riverside County, incorporated most of the railroad proposals into the "A" Street project. There are no other unresolved matters.

Findings of Fact

1. Notice of the Application, first and second amendments thereof, were published in the Commission's Daily Calendar on August 11, 1989, March 21, 1991 and August 14, 1992 respectively. AT&SF filed a protest to the application on September 6, 1989 and to the first amendment on April 21, 1991. AT&SF withdrew its protests on June 4, 1992.
2. County requests authority under Public Utilities Code Sections 1201-1205 to construct "A" Street at-grade across AT&SF'S San Jacinto Branch Line spur track near Perris in Riverside County.
3. The proposed crossing is required to provide public access to the Greater Perris Valley Industrial Park which is being developed for light manufacturing and commercial use.
4. Public convenience and necessity require construction of the proposed crossing across AT&SF'S industrial spur track.
5. Public safety requires that the crossing of "A" Street be protected by four Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
6. 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 County's Initial Study and Negative Declaration.
8. The project will not have a significant effect on the environment.

Conclusions of Law

1. There are no other unresolved matters or protests. A public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Riverside County (County) is authorized to construct "A" Street at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Jacinto Branch Line spur track near Perris in Riverside County at the location and substantially as shown by plans attached to the application and Appendix of this order, to be identified as Crossing 2X-14.7-C.
2. Construction of the crossing shall be equal or superior to Standard No. 6 of General Order (GO) 72-B. Maintenance of the crossing shall conform to GO 72-B.
3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.
4. Protection at the crossing shall be four Standard No. 9 automatic gate type signals (GO 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by County.
6. Maintenance cost of the automatic protection shall be borne by County under PU Code Section 1202.2.
7. 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.
8. Within 30 days after completion of the work under this order, County shall notify the Commission's Safety Division in writing that the authorized work has been done.
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 is effective 30 days from today.
Dated OCT 21 1992 at San Francisco, California.

DANIEL Wm. FESSLER
President

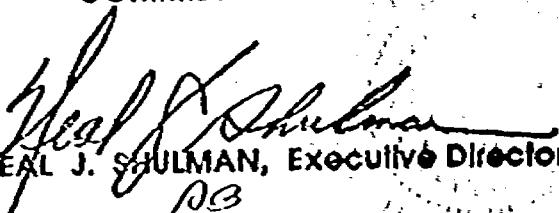
JOHN B. OHANIAN

PATRICIA M. ECKERT

NORMAN D. SHUMWAY

Commissioners

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


NEAL J. SHULMAN, Executive Director
RB