

Decision 92 12 012 DEC 3 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 Philadelphia Avenue near Mile Post 47.02, in the County of Riverside, State of California.

ORIGINAL

Application 92-08-032
(Filed August 25, 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 Philadelphia Avenue 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 Philadelphia Avenue grade crossing, the Dullés Drive grade crossing approved by Decision (D.) 92-10-019 dated October 6, 1992, and the Inland Avenue grade crossing approved by D.92-07-081 dated July 22, 1992, will allow rail service into the southeast quadrant of the Mira Loma Commerce Center. East of Etiwanda Avenue Philadelphia Avenue 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.

Riverside County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code ((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 August 28, 1992. No protests have been received. A public hearing is not necessary.
2. UP requests authority under PU Code §§ 1201-1205 to construct industrial lead track A-54 at grade across Philadelphia Avenue 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. Public convenience and necessity require construction of the proposed lead track and grade crossing.
5. Public safety requires that the grade crossing be protected by two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
6. 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.
7. Riverside County 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 the lead agency's Initial Study and Negative Declaration.

Conclusion of Law

1. 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 Philadelphia Avenue in the Mira Loma district of Riverside County, to be identified as Crossing No. 3-47.02-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 fuseses 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

Philadelphia Avenue 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.

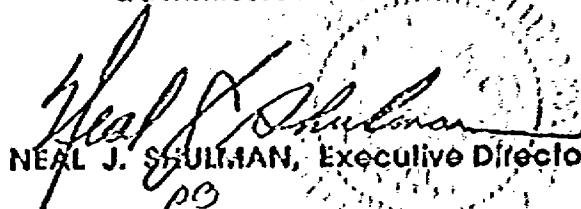
11. The application is granted as set forth above.

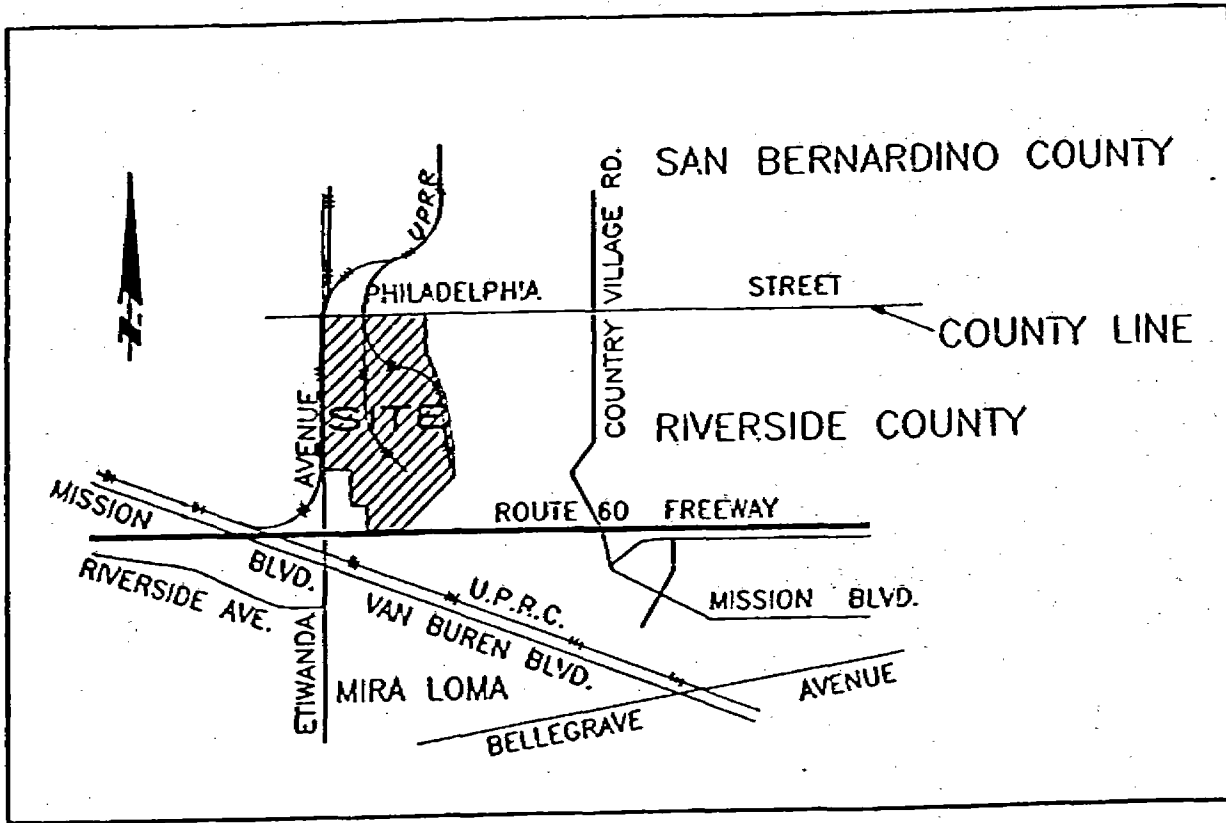
This order becomes effective 30 days from today.

Dated DEC 3 1992, at San Francisco, California.

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

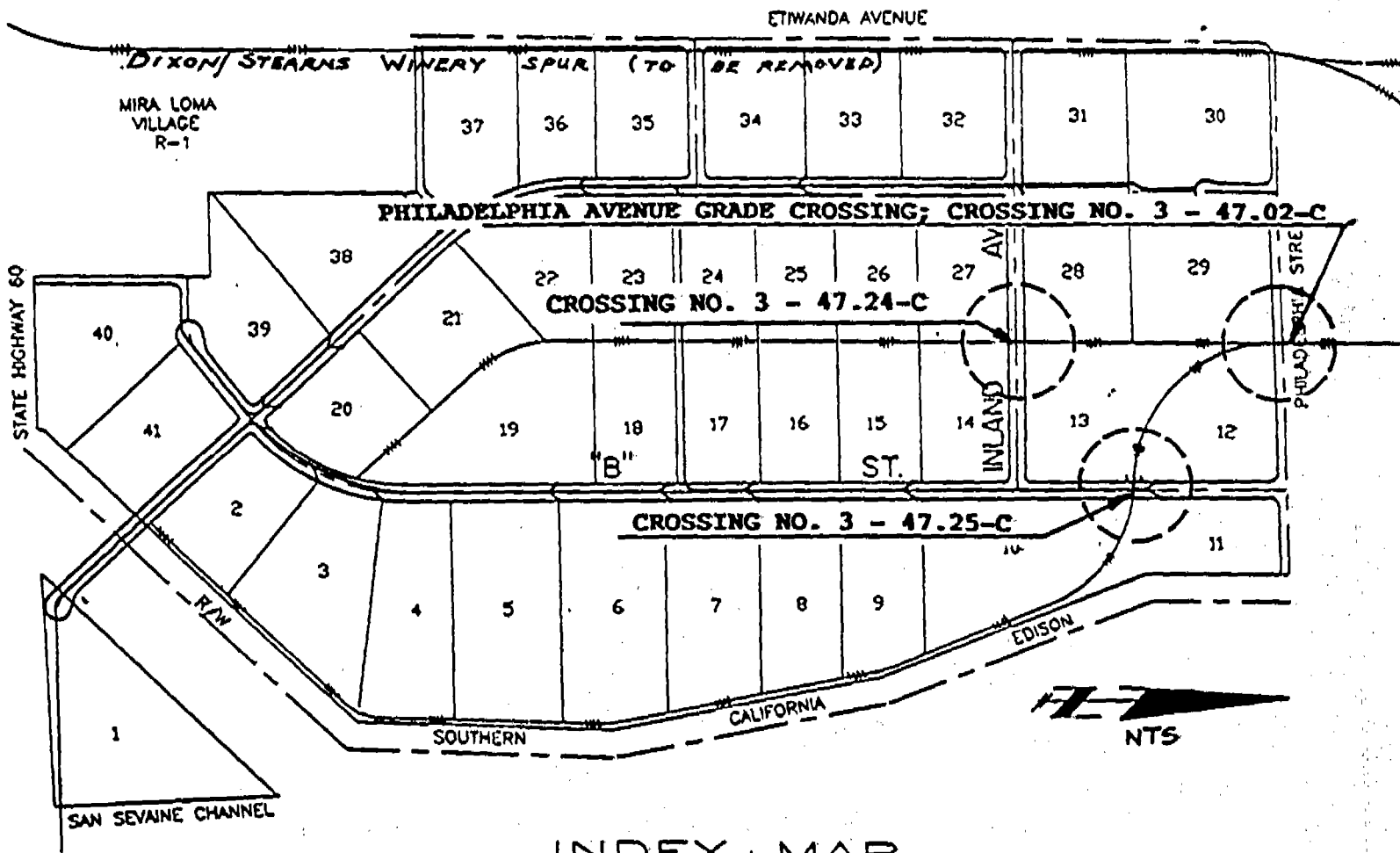
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


NEAL J. SHULMAN, Executive Director

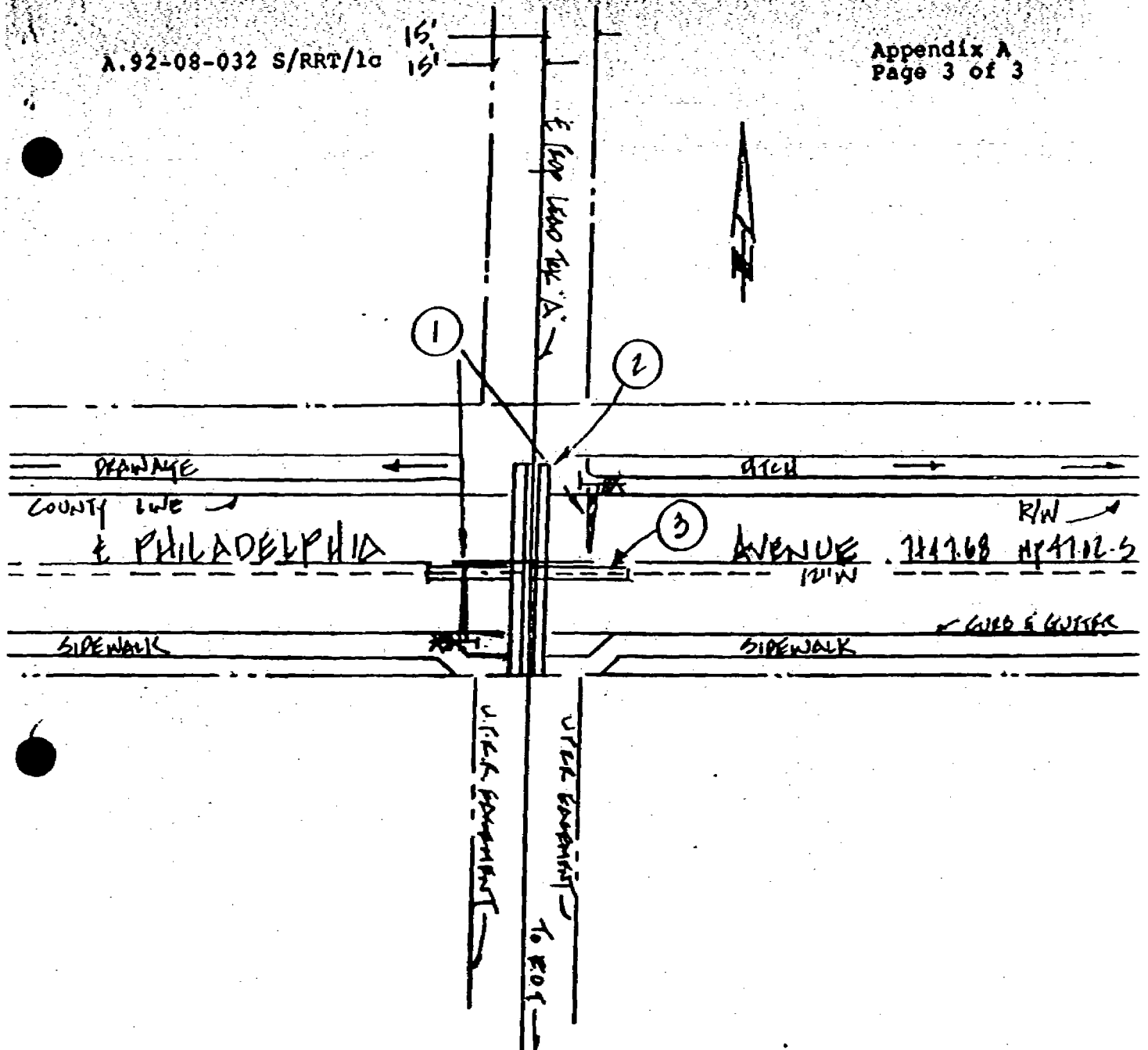


VICINITY MAP

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INDEX MAP



- ① INSTALL 2 EA NO 9 FLASHERS WITH GATES WITH GRADE 1/4" PER FOOT MORAL 3000
- ② INSTALL 60 TP OF CONCRETE CROSSING
- ③ EXCAVE 12" WATER LINE PER UPPER C.S 1029 SPECIFICATION

(End of Appendix A)