

S/RRT/sh*

Decision 92-12-049 December 16, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Rancho
Cucamonga to construct Seventh
Street, a public street, across the
railroad spur track of the Atchison,
Topeka and Santa Fe Railway Company,
in the City of Rancho Cucamonga,
County of San Bernardino.

ORIGINAL

Application 92-03-055
(Filed March 30, 1992
Amended May 14, 1992)

O P I N I O N

As part of the project to develop a large parcel of land identified as APN 209-262-16/15, for commercial and industrial use, the City of Rancho Cucamonga (City) requests authority to construct 7th Street at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Rancho Cucamonga, San Bernardino County.

Improvement of Parcel APN 209-262-16/15, bounded on the north by 7th Street, east by Haven Avenue, south by 6th Street, and west by Center Avenue, is required by the City's Master Plan for industrial development. The crossing when constructed will provide direct and safer access to several industrial properties currently under construction and will enhance the value of other undeveloped commercial properties which are difficult to market due to the lack of direct access.

As envisioned by the City's General Plan, 7th Street will be the backbone of the traffic circulation plan and will significantly reduce emergency response time by police, ambulance, and fire department vehicles in the 7th Street area.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City prepared an Initial Study and determined that the project which includes the

A. 92-03-055 S/RRT/sh*

construction of a large storm drain project was categorically exempt under Article 19, Class 3(d), Section 15303 and Class 1(b), Section 15301. A Notice of Exemption was filed with the San Bernardino County Clerk on April 26, 1991.

The Commission is a responsible agency for this project under CEQA, and has reviewed and considered the lead agency's Initial Study and Notice of Exemption. The site of the proposed 7th Street at-grade crossing across the spur tracks of AT&SF 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 38 of the Rules of Practice and Procedure, which relates to the construction of a street or highway across a railroad track. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

Findings of Fact

1. Notice of the Application and Amendment were published in the Commission's Daily Calendar on April 6, 1992, and May 20, 1992, respectively. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct 7th Street at-grade across an industrial spur track of AT&SF in Rancho Cucamonga, San Bernardino County.

3. The proposed crossing is required to provide improved public access to the existing and proposed industrial/commercial areas to the east and west of the railroad spur track.

4. Public convenience and necessity require construction of the Seventh Street spur track at-grade crossing.

A. 92-03-055 S/RRT/sh

5. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

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 exemption determination.

8. The project will not have a significant effect on the environment.

Conclusions of Law

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

O R D E R

IT IS ORDERED that:

1. The City of Rancho Cucamonga (City) is authorized to construct Seventh Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) industrial spur track in Rancho Cucamonga, San Bernardino County, at the location and substantially as shown by the plans attached to the Application and Appendix A of this order, to be identified as Crossing 2-97.0-C.

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

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

4. Construction expense of the crossing and installation of the automatic protection shall be borne by City.

5. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

A. 92-03-055 S/RRT/sh

6. 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.

7. Construction of the crossing shall be in accordance with GO 72-B. Maintenance of the crossing surfaces shall also be in accordance with GO 72-B.

8. 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.

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 for above.

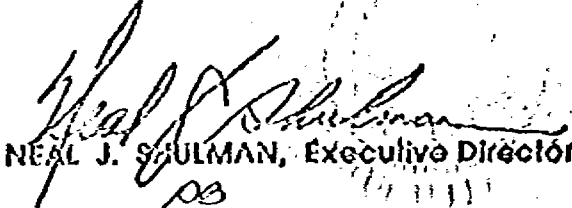
This order becomes effective 30 days from today.

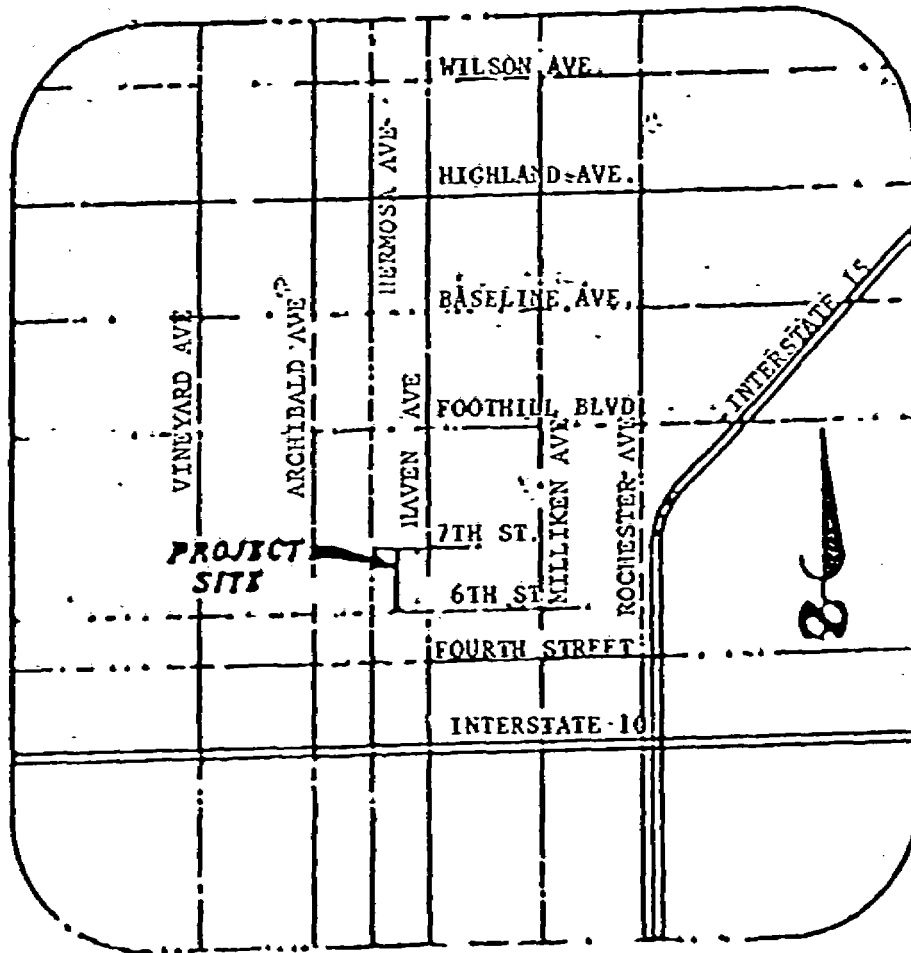
Dated DEC 16 1992 at San Francisco, California.

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. SOULMAN, Executive Director



VICINITY MAP

NOT TO SCALE

