

Decision 82 05 047

MAY 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Southern Pacific Transportation)
Company, for an order authorizing)
the construction at grade of an)
industrial drill track in, upon)
and across Edison Avenue in the)
City of Chino, County of San)
Bernardino, State of California.)

Application 61040
(Filed November 5, 1981)

O P I N I O N

As part of the City of Chino's (City) Master Rail Line Plan (Amendment 79-3C to the Circulation Element of City's General Plan), Southern Pacific Transportation Company (SPT) requests authority to construct an industrial drill track at grade across Edison Avenue in Chino, San Bernardino County.

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 and review of an Initial Study, City issued a Negative Declaration. General Plan Amendment 79-3 was adopted by Resolution 80-9 at the Chino City Council's regular meeting of May 20, 1980.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The proposed industrial drill track will provide rail service to an industrial area being developed by Southern Pacific Industrial Development Company. The surrounding parcels are vacant land which is zoned industrial with existing industrial development nearby.

Notice of the application was published in the Commission's Daily Calendar on November 6, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201 to 1205 to construct an industrial drill track at grade across Edison Avenue in Chino, San Bernardino County.
2. The proposed industrial drill track crossing of Edison Avenue is required to provide rail service to an industrial area being developed by Southern Pacific Industrial Development Company.
3. Public convenience and necessity require construction of the proposed industrial drill track crossing.
4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of the crossing.

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 independently evaluated and assessed the lead agency's initial Study and Negative Declaration.

8. The project will have no significant impact on the environment.

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. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial drill track at grade across Edison Avenue in Chino, San Bernardino County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BAB-521.35-C.

2. Construction of the crossing shall be equal or superior to Standard No. 2 of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

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

5. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 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 fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Edison Avenue calling the attention of trainmen to the flagging instructions.

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

8. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

9. Within 30 days after completion, under this order, SPT shall advise the Commission in writing.

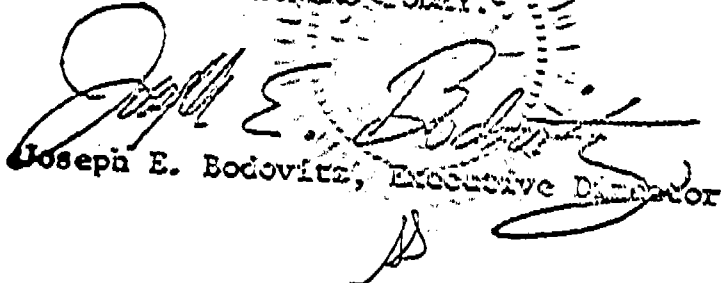
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 17 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director