

ORIGINAL

Decision 82 11 068 NOV 17 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF RANCHO)
CUCAMONGA for an order authorizing)
construction of a crossing at)
separated grades between Victoria)
Parkway and the Baldwin Park Branch)
Line of the Southern Pacific Trans-)
portation Company, to be referred)
to as the "Victoria Park Lane)
Underpass.")

Application 82-04-36
(Filed April 15, 1982)

O P I N I O N

As part of the project for development of Victoria Windrows Village (Tentative Tract No. 11934), the City of Rancho Cucamonga (City) requests authority to construct the Victoria Park Lane Underpass under the tracks of Southern Pacific Transportation Company's (SPT) Baldwin Park Branch Line in Rancho Cucamonga, 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 and approved the project. On November 23, 1981, a Notice of Determination was filed with the San Bernardino County Clerk which found that "The project will not have a significant effect on the environment".

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 project involves the development of a tract subdivision consisting of 756 lots on approximately 192 acres of land in a Planned Community Zone which is a portion of the Victoria Planned Community. The project is located north of Base Line Road, south of Highland Avenue, and west of Etiwanda Avenue in Rancho Cucamonga.

City states that it wishes to commence construction of the underpass at the earliest possible date. It is, therefore, requested that the usual 30-day waiting period on an order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on April 20, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct the Victoria Park Lane Underpass under the tracks of SPT's Baldwin Park Branch Line in Rancho Cucamonga, San Bernardino County.

2. The proposed undercrossing is required to provide a vehicular access link between the residential area of the planned community on the north side of SPT's tracks and the commercial area on the south side of SPT's tracks.

3. Public convenience and necessity require construction of the Victoria Park Lane Underpass.

4. City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

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

Conclusions of Law

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

2. The usual 30-day effective date on an order should be waived as City wishes to commence construction of the underpass at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of Rancho Cucamonga (City) is authorized to construct the Victoria Park Lane Underpass under the tracks of Southern Pacific Transportation Company's (SPT) Baldwin Park Branch Line in the City of Rancho Cucamonga, San Bernardino County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BBO-526.55-B.

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

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into among the parties. A copy of the agreement, together with the plans of the crossing approved by SPT, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

A.82-04-36 T/RWS/ARM/WPSC

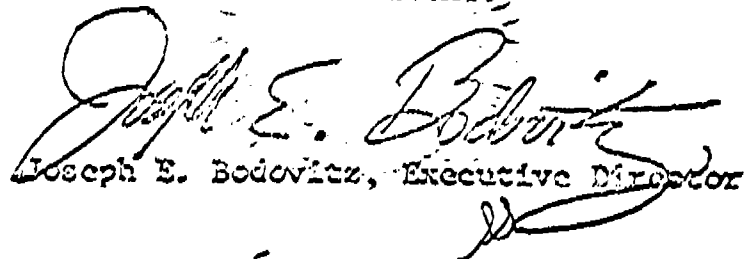
This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective today.

Dated NOV 17 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director