

Decision No. 86663

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)	
Department of Transportation, for an)	
order authorizing the widening of the)	
existing Kaiser Spur Overhead, PUC)	Application No. 56728
Nos. B-528.38-AC (WB) and B-528.35-AC (EB))	(Filed September 2, 1976)
over the Kaiser Spur of the Southern)	
Pacific Transportation Company near)	
Fontana, County of San Bernardino.)	

O P I N I O N

The State of California, Department of Transportation, requests authority to widen the "Kaiser Spur Overhead" over the spur track of the Southern Pacific Transportation Company near the City of Fontana, San Bernardino County.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on August 3, 1976, approved the project and found that it was categorically exempt from the requirements of CEQA. Applicant alleges that this project is categorically exempt from the requirements of CEQA pursuant to Title 21 (Public Works), Chapter 2, Section 1510.1 (c) (19) of the California Administrative Code. ^{1/}

Notice of the application was published in the Commission's Daily Calendar on September 7, 1976. No protests have been received. A public hearing is not necessary.

^{1/} Title 21, Chapter 2, Section 1510.1 of the California Administrative Code provides for the categorical exemption of Class 1 activities (Existing Facilities). The specific project activity covered by Subsection (c) (19) is "Alteration or widening of existing structure where the primary function and utility remains unaltered".

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to widen the "Kaiser Spur Overhead" over the spur track of the Southern Pacific Transportation Company near the City of Fontana, San Bernardino County, identified as Crossings B-528.38-AC and B-528.35-AC at the location and substantially as shown by the plan attached to the application.
2. Crossings B-528.38-AC and B-528.35-AC should be combined and identified as Crossing B-528.37-AC.
3. Clearances should be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21'0" above top of rail should be authorized and the Southern Pacific Transportation Company should be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding the employees to ride on tops of cars.
4. Applicant should notify the Commission and the Southern Pacific Transportation Company at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created.
5. Walkway areas adjacent to the railroad track should be maintained free of obstructions and should be promptly restored to their original condition in the event of damage during construction.
6. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by the Southern Pacific Transportation Company, should 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.
7. It can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation, is authorized to widen the "Kaiser Spur Overhead" over the spur track of the Southern Pacific Transportation Company near the City of Fontana, San Bernardino County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1976.

William J. ... President
Joseph L. ...
Robert ... Commissioners