

Decision No. 86664

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 construction of  
the Mission Boulevard Overhead, State  
Route 15, over the tracks of the Union  
Pacific Railroad Company, in the County  
of Riverside.

Application No. 56720  
(Filed August 30, 1976)

O P I N I O N

As part of the project to construct State Route 15 between the San Diego/Riverside County Line and Devore in San Bernardino County along the general alignment of existing State Route 71/31, the State of California, Department of Transportation, requests authority to construct the "Mission Boulevard Overhead" over the tracks of the Union Pacific Railroad Company in Riverside County.

The California Highway Commission is the lead agency for the project to construct State Route 15 pursuant to the California Environmental Quality Act of 1970, as amended. A "Certification of Environmental Clearance" has been filed with the Public Utilities Commission which states that the California Highway Commission approved a portion of the project which includes the "Mission Boulevard Overhead" on November 20, 1975. The Certification further states that an Environmental Impact Report was prepared for this project and that "The project will have a significant effect on the environment".

Notice of the application was published in the Commission's Daily Calendar on August 31, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct the "Mission Boulevard Overhead" over the tracks of the Union Pacific Railroad Company in Riverside County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 3-43.9-A.

2. Clearances should be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21'3" above top of rail should be authorized and the Union Pacific Railroad Company should be authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding the employees to ride on tops of cars.

3. Applicant should notify the Commission and the Union Pacific Railroad Company at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created.

4. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should be promptly restored to their original condition in the event of damage during construction.

5. 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 Union Pacific Railroad 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.

6. The California Highway Commission is the lead agency for the project to construct State Route 15 from the San Diego/Riverside County line to Devore in San Bernardino County pursuant to the California Environmental Quality Act of 1970, as amended, and on November 20, 1975 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the final Environmental Impact Report and "Certification of Environmental Clearance" and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

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 construct the "Mission Boulevard Overhead" over the tracks of the Union Pacific Railroad Company in Riverside 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 23<sup>rd</sup> day of NOVEMBER, 1976.

~~William J. ...~~  
 \_\_\_\_\_ President  
*William J. ...*  
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*...*  
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*Robert B. ...*  
 \_\_\_\_\_ Commissioners