

Decision No. 88560 MAR 7 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY OF SAN )  
 BERNARDINO for an order authorizing )  
 construction of a crossing at )  
 separated grades between Cherry )  
 Avenue and the tracks of the )  
 Atchison, Topeka & Santa Fe Rail- )  
 way Company, sometimes referred )  
 to as the "Cherry Avenue Overhead" )  
 (No. 2-91.7). )

Application No. 57094  
 (Filed February 17, 1977)  
 (Amended November 21, 1977)

O P I N I O N

The County of San Bernardino requests authority to construct a grade separation of Cherry Avenue over the tracks of The Atchison, Topeka & Santa Fe Railway Company's main line near the City of Fontana, San Bernardino County.

Authority is also requested for construction of a temporary detour crossing immediately to the west of the existing at-grade crossing. After completion of the separation structure, a portion of the temporary detour crossing will remain in place as a private crossing to provide access, across a new engine run-around track, to the railway's depot. The remainder of the detour crossing across the railway's main, side, and spur tracks will be abandoned and physically closed.

The priority list of grade separation projects for the fiscal year 1977-78, as set forth in Decision No. 87496, shows this project as Priority No. 8.

The County of San Bernardino is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the San Bernardino County Board of Supervisors approved the project and on January 3, 1977, filed a Notice of Determination with the San Bernardino County Clerk which found that the "project will have no significant effect on the environment."

Notice of the application and amendment was published in the Commission's Daily Calendar on February 22 and November 23, 1977, respectively. 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 Cherry Avenue at separated grades over the tracks of The Atchison, Topeka & Santa Fe Railway Company's main line near the City of Fontana, San Bernardino County, at the location and substantially as shown by plans attached to the application, as amended, to be identified as Crossing 2-91.7-A.

2. Applicant should also be authorized to construct a temporary detour crossing immediately to the west of the existing Cherry Avenue at-grade crossing, to be identified as Crossing 2-91.71.

3. Upon completion of the separation structure and its opening to vehicular traffic, the portion of the temporary detour crossing across the engine run-around track, known as Track 7, may remain in place as a private crossing to provide access to the railway's depot.

4. The remainder of the temporary detour crossing across the railway's main line, side and spur tracks (Crossing 2-91.71) and the existing at-grade crossing (Crossing 2-91.7) should be abandoned and physically closed.

5. Clearances should be in accordance with General Order 26-D.

6. Walkways should conform to General Order 118. Walkways adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

7. 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 Atchison, Topeka & Santa Fe Railway 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.

8. Protection at the temporary detour crossing should be four Standard No. 9 automatic gate-type signals (General Order 75-C).

9. Protection at the private crossing which may remain for access to the railway's depot should be two Standard No. 9 automatic gate-type signals.

10. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on December 7, 1976 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

#### 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 County of San Bernardino is authorized to construct Cherry Avenue at separated grades over the tracks of The Atchison, Topeka & Santa Fe Railway Company's main line 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 thirty days after the date hereof.

Dated at San Francisco, California, this 7th day of MARCH, 1978.

Robert Botwinick  
President  
William Gerson Jr.  
Vernon L. Steingard  
Charles D. Howell  
Clare J. Dechick  
Commissioners