

SD

Decision No. 90336

MAY 22 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of
Pomona, California, for an
order authorizing construction
of Humane Way at separated
grade over the main line of
the Southern Pacific Trans-
portation Company, in the City
of Pomona, Los Angeles County)

Application No. 58644
(Filed January 26, 1979)

O P I N I O N

The City of Pomona requests authority to construct Humane Way (formerly Roselawn Avenue) at separated grades over the tracks of Southern Pacific Transportation Company's Main Line in the City of Pomona, Los Angeles County.

The City of Pomona is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of the Environmental Impact Report, the City of Pomona approved the project and on March 13, 1974, filed a Notice of Determination with the Los Angeles County Clerk which found that "there will be no significant adverse effect on the environment by this project."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Environmental Impact Report and Notice of Determination. The site of the proposed project has also been inspected by the Commission's staff.

Humane Way presently provides access to various training facilities operated by the City of Pomona, the Humane Society Shelter, the Sanitation District Treatment Plant, and various industrial and commercial businesses. Humane Way is, however, discontinuous at the Southern Pacific Transportation Company's tracks. Vehicles traveling on Humane Way between Mission Boulevard and Valley Boulevard must make a major detour in order to reach Humane Way on the opposite side of the tracks.

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Provision of improved access to the westerly portion of the City of Pomona will provide an opportunity for the surrounding industrial area to reach its potential and thereby provide the maximum economic benefit to the City. Not only will the improvement of Humane Way between Mission and Valley Boulevards improve the traffic flow for commercial and industrial vehicles in the westerly area of the City, but substantial benefits can also be anticipated for all types of traffic including pedestrians, public vehicular traffic, and emergency vehicles.

F I N D I N G S

1. Applicant should be authorized to construct Humane Way at separated grades over the tracks of Southern Pacific Transportation Company's Main Line in the City of Pomona, Los Angeles County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-512.1-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' 6" 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 employees to ride on tops of cars beneath the structure.

3. 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.

4. 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.

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 the 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.

6. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Environmental Impact Report.

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

C O N C L U S I O N

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 City of Pomona is authorized to construct Humane Way at separated grades over the tracks of the Southern Pacific Transportation Company's Main Line in the City of Pomona, Los Angeles 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.

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The effective date of this order shall be thirty days after the date hereof:

Dated at San Francisco, California, this 22nd day of MAY, 1979.

John E. Boyce
President

Yvonne P. Sturgeon

Richard W. Hoelle

[Signature]
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.