

SD

Decision No. 90745 AUG 28 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
LOS ANGELES & SALT LAKE RAILROAD  
COMPANY and its Lessee, UNION PACIFIC  
RAILROAD COMPANY, for an order  
authorizing the construction, main-  
tenance, and operation of a lead  
track over and across Union and  
Industry Avenues in the City of  
Fontana, County of San Bernardino,  
State of California.

Application No. 58880  
(Filed May 21, 1979)

O P I N I O N

As part of the project to construct a lead track to serve the Southwest Industrial Park, the Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company, request authority to construct a lead track at grade across Union and Industry Avenues in the City of Fontana, San Bernardino County.

The City of Fontana is the lead agency for the project to construct a lead track to serve the Southwest Industrial Park pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000, et seq.

After preparation and review of an Initial Study, the City of Fontana issued a Negative Declaration and approved the project. On April 9, 1979, a Notice of Determination was filed with the San Bernardino County Clerk which found that the project "will have no 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 also been inspected by the Commission staff.

The proposed lead track will serve eight industries in the City of Fontana's Southwest Industrial Park. Much of the land adjoining the industrial park is presently vacant and there are no nearby residential areas which might be adversely affected by rail operations.

Notice of the application was published in the Commission's Daily Calendar on May 23, 1979. 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 a lead track at grade across Industry and Union Avenues in the City of Fontana, San Bernardino County, at the locations and substantially as shown by the plans attached to the application, to be identified as Crossings 3-46.77-C and 3-46.95-C, respectively.
2. Construction of the crossings should be equal or superior to Standard No. 2 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at each crossing should be two Standard No. 8-A automatic flashing light signals with cantilevers (General Order 75-C).
5. Construction cost of the crossings and installation cost of the automatic protection should be borne by the applicant.
6. Maintenance of the crossings should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant.
7. The City of Fontana is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
8. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
9. This project will have no significant impact on the environment.

### C O N C L U S I O N

On this 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:

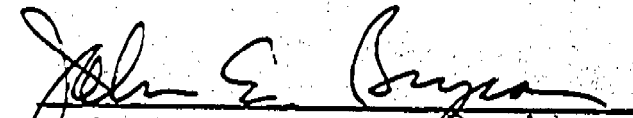
1. The Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company, are authorized to construct a lead track at grade across Industry and Union Avenues in the City of Fontana, San Bernardino County, as set forth in the findings of this decision.

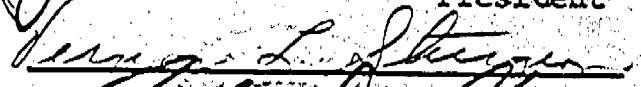
2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within two 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.

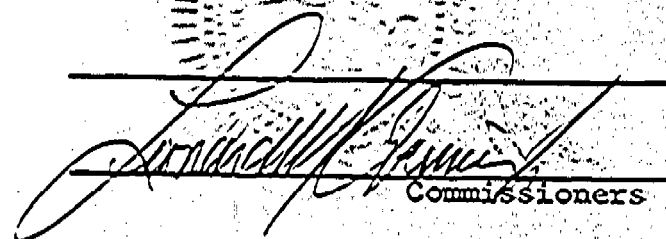
The effective date of this order shall be thirty days after the date hereof.

Dated AUG 28 1979, at San Francisco, California.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

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