

Decision 96-03-016 March 13, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Riverside )  
for an Order authorizing construction )  
of a crossing at separated grades )  
between Arlington Avenue and the )  
tracks of Atchison, Topeka, and Santa )  
Fe Railway Company, sometimes )  
referred to as the "Arlington Avenue )  
Undercrossing" )  
(PUC No. 2B-12.4) )

Application 95-11-016  
(Filed November 13, 1995)

**ORIGINAL**

OPINION

City of Riverside (City) requests authority to construct Arlington Avenue at separated grades under the tracks of The Atchison, Topeka, and Santa Fe Railway Company's (AT&SF) main line in Riverside, Riverside County. When completed the new railroad grade separation structure will occupy the site of the existing at-grade crossing.

The priority list of grade separation projects for fiscal year 1994/95, as set forth in Decision 92-06-043, dated July 17, 1992, established the project as the seventh most urgently in need of separation in California.

Arlington Avenue is a major east/west arterial street of regional significance, which connects large existing residential areas and provides access to State Route (SR) 91, SR 60, and Interstate (I) 215 Freeway. Arlington Avenue will remain open during construction except during a six week period to permit excavation under the newly placed three reinforced box girder concrete structure as indicated in Appendix A.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000, et seq. Applicant has determined that the project is exempt from the filing requirements of CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination. The site of the proposed project has been inspected by the Commission Safety and Enforcement Division - Traffic Engineering Section staff. Staff examined the need for and the safety of the grade separation, and recommends that the project be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 39 of Rules and Practices and Procedures which relates to the alteration of public highways across railroads. A location map and details from the project plans are shown in Appendix A.

Notice of the application was published in the Commission Daily Calendar on November 16, 1995. On November 29, 1995, AT&SF filed a protest indicating that the railroad and the applicant were not yet in agreement with respect to the method of construction of the proposed project, nor were they in agreement with respect to the terms pursuant to which such construction should be undertaken.

On February 22, 1996, a representative of the railroad contacted the Traffic Engineering staff in Los Angeles and advised them that Applicant and AT&SF were on the verge of reaching an agreement with respect to the construction of the grade separation. The railroad representative stated that an order authorizing the proposed grade separation structure should be prepared in order that the April 1, 1996, State of California Department of Transportation (Caltrans) funding deadline could be met.

We will prepare an order authorizing construction of the Arlington Avenue Undercrossing grade separation in order not to jeopardize for the City, Caltrans' funding deadlines. This is with the understanding that should parties fail to agree, the Commission will apportion costs of construction and maintenance by further order.

Finding of Fact

1. City requests authority, under Public Utilities Code Sections 1201-1205, to construct Arlington Avenue at separated grades under the tracks of AT&SF's main line in Riverside, Riverside County.

2. Construction of the Arlington Avenue underpass is necessary to reduce traffic delay and improve safety for railroad operations.

3. Public convenience, necessity, and safety require construction of the Arlington Avenue underpass.

4. By protest filed November 29, 1995, AT&SF indicated that applicant and the railroad were not yet in agreement with respect to the method of construction of the proposed grade separation.

5. On February 22, 1996, AT&SF advised the Commission staff that the parties were nearly in agreement as to the method of construction of the railroad undercrossing and that the Commission should issue and order authorizing said construction, in order not to jeopardize Caltrans funding deadlines for upgrading safety improvements at Arlington Avenue.

6. City is the lead agency for this project under CEQA as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment.

9. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

Conclusion of Law

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 Riverside (City) is authorized to construct Arlington Avenue at separated grades under the tracks of The Atchison, Topeka, and Santa Fe Railway Company's (AT&SF) main line in Riverside, Riverside County, at the location and substantially as shown by plans attached to the application and Appendix "A" of this order, to be identified as Crossing 2B-12.4-B.
2. The existing Arlington Avenue at-grade crossing will be gradually be removed during earthwork excavation, which will last approximately six weeks, and be replaced by a pre-stressed concrete beam grade separation as indicated in Appendix "A".
3. Clearances of the Arlington Avenue Underpass shall be in accordance with GO 26-D. Walkways shall conform to GO 118.
4. City shall file a copy of the agreement, together with plans of the Arlington Avenue Undercrossing approved by AT&SF, prior to commencing construction. Should the parties fail to agree, the Commission will apportion cost of construction and maintenance by further order.
5. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.
6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.  
This order is effective 30 days from today.  
Dated March 13, 1996, at San Francisco, California.

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners





