

Decision 97-02-004 February 5, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF INDUSTRY FOR THE)
CONSTRUCTION OF A PROPOSED GRADE)
SEPARATION OF SEVENTH AVENUE)
UNDER THE EXISTING UNION PACIFIC)
RAILROAD COMPANY CROSSING NO.)
3-16.4, D.O.T. 811-065H, IN THE)
CITY OF INDUSTRY.)

ORIGINAL

Application 96-10-040
(Filed October 28, 1996)

O P I N I O N

City of Industry (City) requests authority to construct the Seventh Avenue Underpass at separated grades under the tracks of Union Pacific Railroad Company's (UP) mainline in the City of Industry, Los Angeles County.

City also requests authority to construct two temporary railroad shooflies northerly of the existing tracks during construction of the grade separation to continue train service along this route and facilitate excavation and earthwork removal, as well as the actual removal of existing at-grade crossing of Seventh Avenue.

The proposed grade separation will be approximately 54 feet in width and will carry UP's three mainline tracks across the depressed Seventh Avenue. The total structure length is approximately 102 feet, measured from back-to-back of abutments. The proposed Seventh Avenue will carry four vehicular through lanes and two sidewalks and median.

During construction, Seventh Avenue will be closed to through traffic for approximately one year. Rail traffic will be rerouted on the temporary shooflies. Existing at-grade Seventh Street Avenue will be permanent closed.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City has

determined that this project, the elimination of an existing at-grade crossing, is categorically exempt from the reporting 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 exemption determination. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division staff. Staff examined the need for and the safety of the proposed grade separation and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highway crossings and separations over or under a railroad. A site map and detailed drawings of the Underpass structure are shown in Appendix A.

Findings of Fact

1. Notice of the Application was published in the Commission Daily Calendar on November 13, 1996. No protests have been received. A public hearing is not necessary.
2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Seventh Avenue Underpass grade separation under the tracks of UP's mainline in the City of Industry, Los Angeles County.
3. The proposed underpass is required to eliminate the possibility of accidents between trains and vehicles, and vehicle delays and congestion due to slow train traffic and switching operations.
4. Public convenience, necessity and safety require construction the Seventh Avenue Underpass.
5. Railroad operations require temporary construction of two shoofly tracks northerly of UP's existing operating right-of-way during construction of the railroad bridge structure.

6. Upon commencement of construction, the existing at-grade crossing at Seventh Avenue will be removed and closed permanently.

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

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

Conclusions of Law

1. Under Public Resources Code Section 21080.13, the activity is exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. City of Industry (City) is authorized to construct Seventh Avenue Underpass at separated grades under the tracks of Union Pacific Railroad Company's (UP) mainline in the City of Industry, Los Angeles 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 No. 3 - 16.4-B.

2. In connection with the construction of the Seventh Avenue Underpass, City is authorized to construct two temporary shoofly tracks northerly of the existing UP tracks.

3. The existing Seventh Avenue Crossing will be closed and physically removed to facilitate the construction of the railroad grade separation structure.

4. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118. Construction and

maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans approved by UP, shall be filed with the Commission's Rail Safety and Carriers Division staff prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety and Carriers Division 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 becomes effective 30 days from today.

Dated FEB 5, 1997, at San Francisco, California.

P. GREGORY CONLON

President

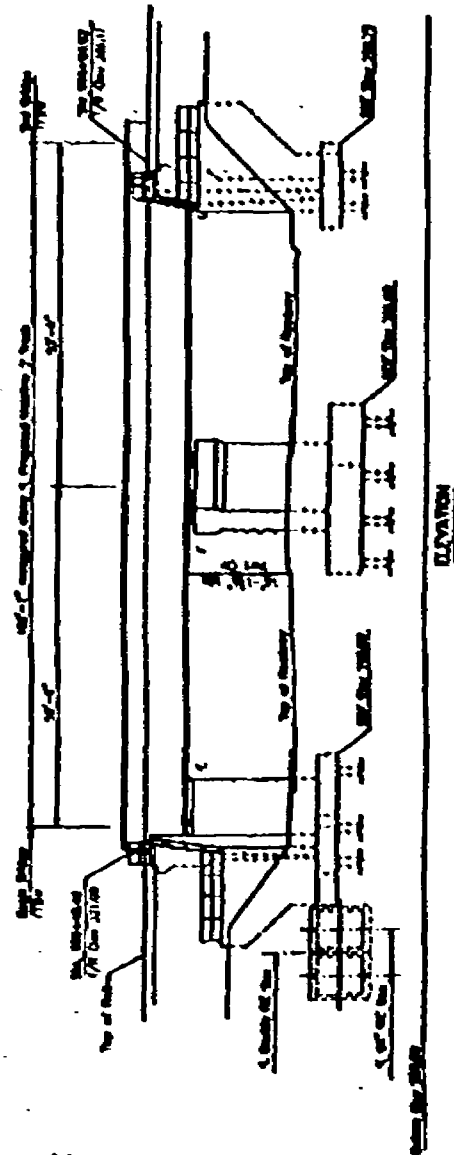
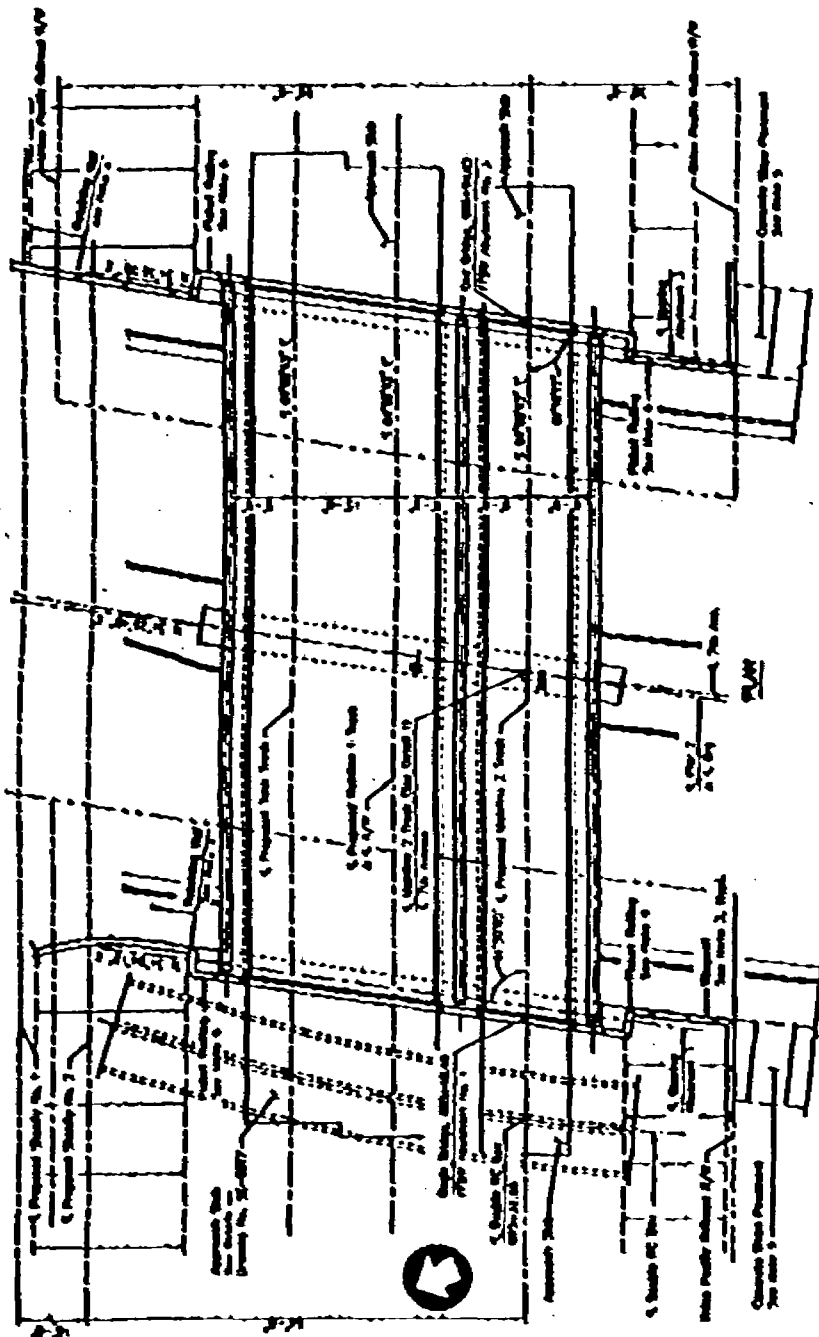
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



	<p align="center">CITY OF INDUSTRY</p> <p>Frederick R. Hovick, Inc. 100 West 20th Street, Suite 410 Los Angeles, California 90011</p>	<p align="center">GRADING, DRAINAGE, TRACKWORK, AND STRUCTURES FOR SEVENTH AVENUE UNDERPASS</p> <p align="center">GENERAL PLAN AND ELEVATION</p>
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