

Decision 97-04-078 April 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the City of Chino, in cooperation)
 with Southern Pacific Lines, intends)
 to construct and maintain a new)
 railroad lead track at grade across)
 Eucalyptus Avenue (east of Monte)
 Vista Avenue and west of Telephone)
 Avenue) in the City of Chino, County)
 of San Bernardino)

ORIGINAL

Application 97-01-028
(Filed January 21, 1997)

O P I N I O N

As part of the project to provide rail service to an industrial development, known as "Majestic Spectrum South," City of Chino (City), in cooperation with Southern Pacific Transportation Company (SPT), requests authority to construct and maintain a new railroad lead track at grade across Eucalyptus Avenue (east of Monte Vista Avenue and west of Telephone Avenue) in Chino, San Bernardino County.

The proposed new grade crossing would provide rail service to serve Majestic Realty's "Majestic Spectrum South," a 100-acre industrial development south of Eucalyptus Avenue. Majestic Realty and its partners propose the construction of five rail-served buildings within this industrial park with rail service provided through the proposed grade crossing.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City prepared an Initial Study and issued a Negative Declaration. On October 17, 1996, a Notice of Determination was filed with the County Clerk, which found that the "project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Negative Declaration and Notice of Determination. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division staff - Traffic Engineering Section. The staff examined the need for and the safety of the proposed grade crossing and recommends that approval be granted.

The Application was found to be in compliance under the Commission's filing requirements including Rule 40 of the Rules of Practice and Procedure, which relates to the construction of a railroad track across a public highway. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

Findings of Fact

1. Notice of the Applications was published in the Commission's Daily Calendar on January 24, 1997. No protests have been received. A public hearing is not necessary.
2. City, in cooperation with SPT, requests authority under Public Utilities Code Sections 1201-1205 to construct a new railroad lead track at-grade across Eucalyptus Avenue in Chino, San Bernardino County.
3. Construction of the railroad lead track is an essential element in providing rail service to Majestic Realty's "Majestic Spectrum South" industrial development.
4. Public convenience and necessity require construction of the railroad lead track and grade crossing.
5. Public safety requires that protection at Eucalyptus Avenue crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C) and two median-mounted Standard No. 8 flashing light signals (GO 75-C).
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 Negative Declaration and Notice of Determination.

Conclusions of Law

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

O R D E R

IT IS ORDERED that:

1. City of Chino (City), in cooperation with Southern Pacific Transportation Company (SPT), is authorized to construct and maintain a new railroad lead track at grade across Eucalyptus Avenue (east of Monte Vista Avenue and west of Telephone Avenue) in Chino, San Bernardino County, at the location and substantially as shown by the plans attached to the Application and Appendix A of this order, to be identified as Crossing BAB-522.50-C.
2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.
3. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C) and two median-mounted Standard No. 8 flashing light signals (GO 75-C).
4. Construction expense of the crossing and installation of the automatic protection shall be borne by City.
5. Maintenance cost of the automatic protection shall be borne by SPT.
6. Construction of the crossing shall be in accordance with GO 72-B. Maintenance of the crossing shall also be in accordance with GO 72-B.

7. Construction plans of the crossing, approved by City, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction.

8. 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.

9. This authorization shall expire if not exercised within two 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.

10. The Application is granted as set forth above.

This order becomes effective 30 days from today.

Dated April 23, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

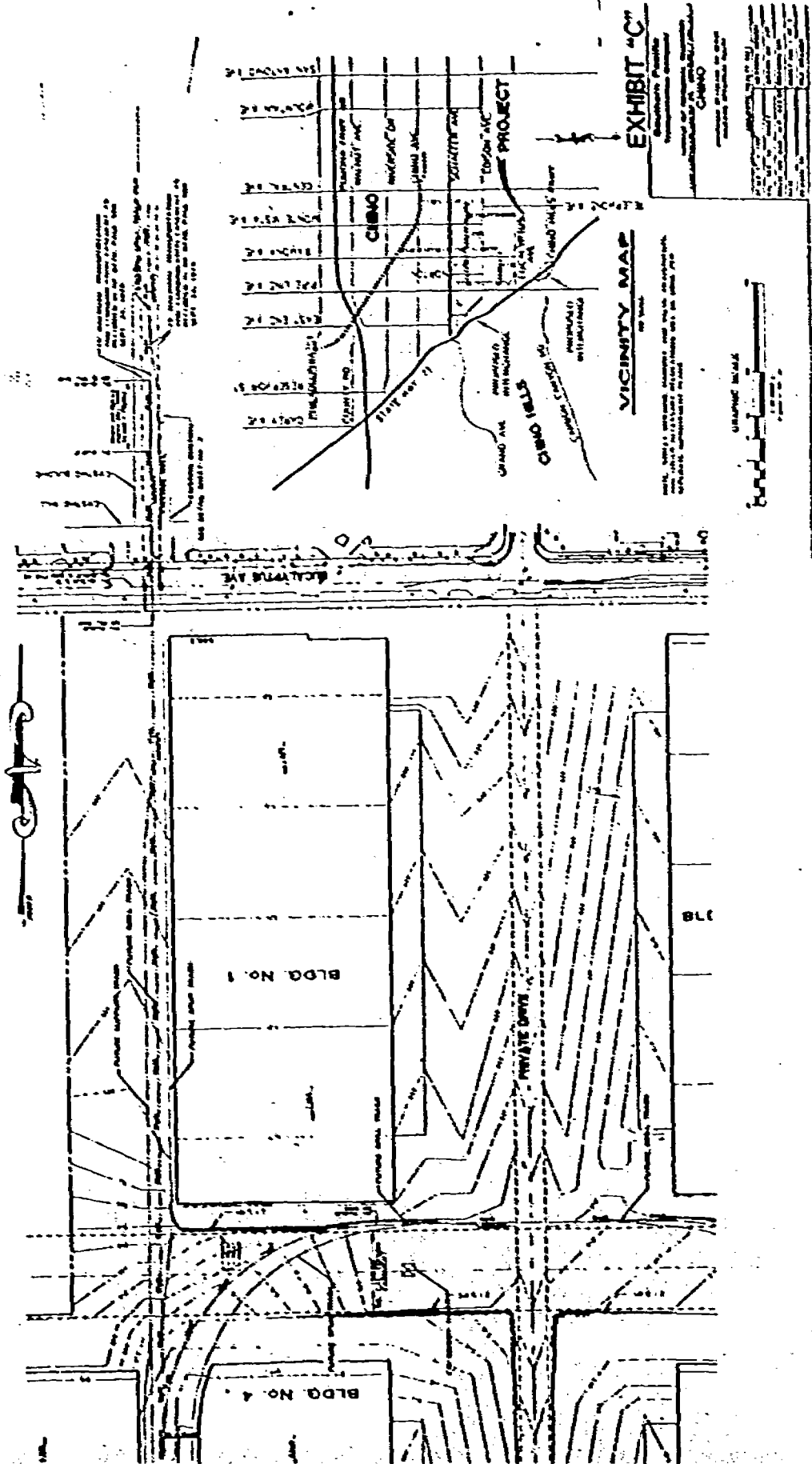


EXHIBIT "C"

VICINITY MAP

BLDG. No. 1
BLDG. No. 4
PRIVATE DRIVE
CIBOLA
OBERON
CIBOLA HILLS
OBERON HILLS

GRAPHIC SCALE
0 10 20 30 40 50
FEET

178

PROPOSED CROSSING

B 522.50

SITE DATA
 TOTAL SITE EACH COMPANY
 LANDSCAPE PROVISIONS
 CROSSING SITE = 1679 AC
 NET SITE = 1729 AC
 MAJESTIC PROVISIONS
 CROSSING SITE = 1092 AC
 NET SITE = 1142 AC
 RCD PROVISIONS
 CROSSING SITE = 3487 AC
 NET SITE = 3537 AC
TOTAL ENTER DEVELOPMENT
 CROSSING SITE = 10479 AC
 NET SITE = 10929 AC

PROPERTY DATA
 NET SITE AREA = 8844 AC
 TOTAL BLDG = 3 688000 SF
 COVERAGES = 100%

MAJESTIC SPECTRUM SOUTH & INSIDE THE EUCALYPTUS BUSINESS PARK SPECIFIC PLAN AREA

SITE DEVELOPMENT PLAN
 DATE: 10/10/07

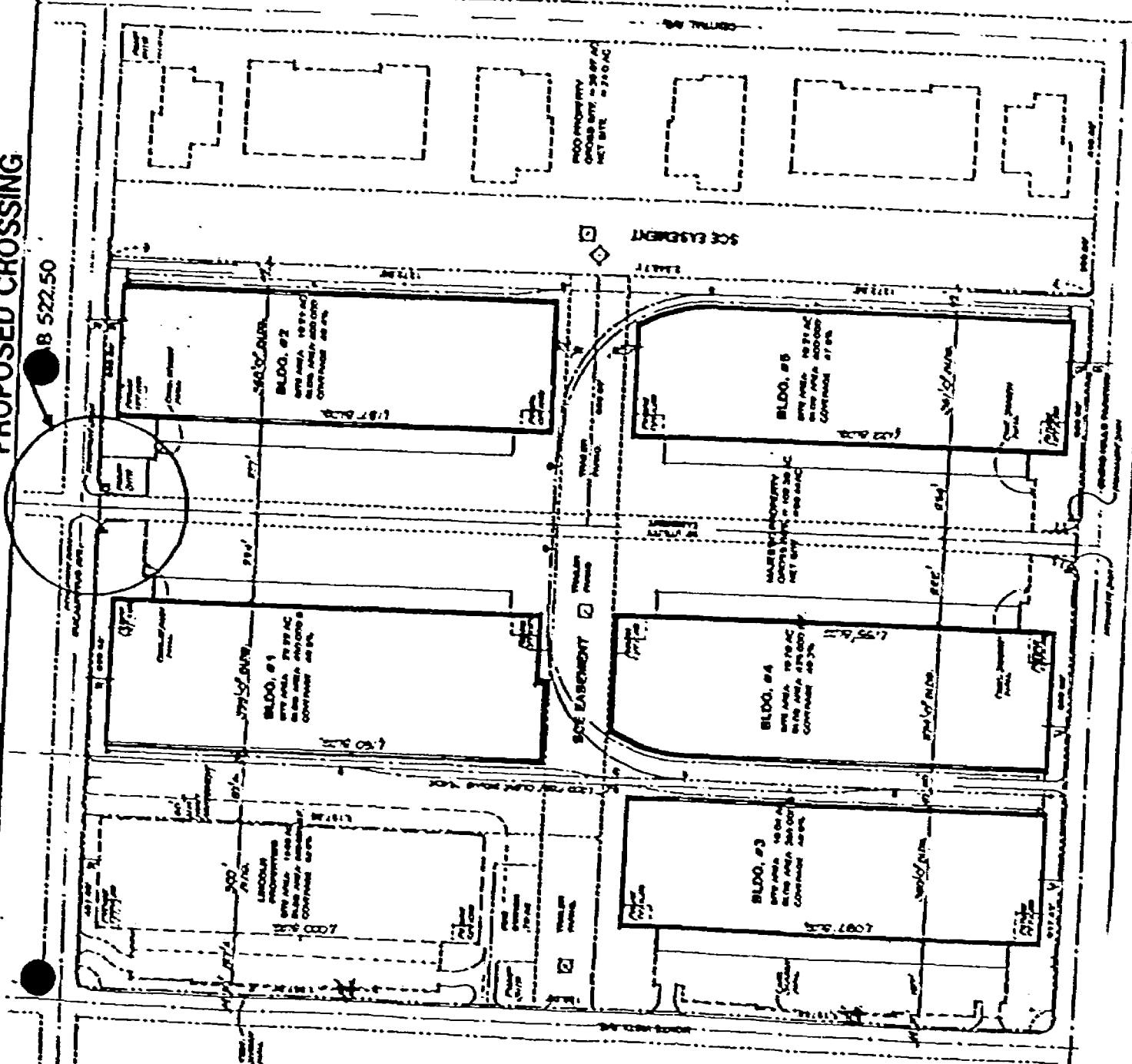


EXHIBIT 'B'