

Decision 97-06-012 June 11, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
OF THE COUNTY OF LOS ANGELES FOR)
THE CONSTRUCTION OF THE GRADE)
SEPARATION OF FAIRWAY DRIVE)
UNDER THE UNION PACIFIC RAILROAD)
COMPANY'S MAIN LINE CROSSING NO.)
3-23.4 IN THE CITY OF INDUSTRY,)
COUNTY OF LOS ANGELES.)

Application 97-02-043
(Filed February 28, 1997)

O P I N I O N

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

County also requests authority to construct a temporary railroad two-track shoofly southerly 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 Fairway Drive.

The proposed grade separation will be approximately 35 feet in width and will carry UP's two mainline tracks across the depressed Fairway Drive. The total structure length is approximately 109 feet, measured from back-to-back of abutments. The proposed Fairway Drive will carry three vehicular through lanes in each direction, two sidewalks and a median.

During construction, Fairway Drive will be closed to through traffic for approximately one year. Rail traffic will be rerouted on the temporary shoofly. Existing at-grade Fairway Drive will be permanently closed.

The Fairway Drive Undercrossing project ranks number 8 in

the 1996-1997 Grade Separation Priority List of Decision (D.) 96-06-041, dated June 19, 1996, in Order Instituting Investigation (I.) 95-07-003.

County 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. County 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 March 10, 1997. No protests have been received. A public hearing is not necessary.

2. County requests authority under Public Utilities Code Sections 1201-1205 to construct Fairway Drive 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 Fairway Drive Underpass.

5. Railroad operations require temporary construction of two shoofly tracks southerly 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 Fairway Drive will be removed and closed permanently.

7. County 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. County of Los Angeles (County) is authorized to construct Fairway Drive 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 3 - 23.4-B.

2. In connection with the construction of the Fairway Drive Underpass, County is authorized to construct two temporary shoofly tracks southerly of the existing UP tracks.

3. The existing Fairway Drive 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, County 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.

8. Application 97-02-043 is closed.
This order becomes effective 30 days from today.
Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



