



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED

05-13-11
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Application of the Union Pacific Railroad for authority to construct two grade-separated overpasses for the Yuma Subdivision track crossing, connector track at Mile Post 538.57 and crossing two BNSF San Bernardino Subdivision tracks at Mile Post 538.67.

A1105021

Application No. _____

APPLICATION

The Union Pacific Railroad (UPRR) respectfully requests authority from this Commission to construct two overpass grade separations on UPRR Los Angeles Division, Yuma Subdivision track, herein sometime referred to as the Project, within the City of Colton, County of San Bernardino crossing a connector track at UPRR Mile Post 538.57 and the BNSF Railway Company (BNSF) San Bernardino Subdivision main line tracks at UPRR Mile Post 538.67.

In support of its application, the Union Pacific Railroad asserts that:

1. The Union Pacific Railroad, herein sometimes referred to as "Applicant" is a Class 1 railroad incorporated in Delaware and an indirect wholly-owned subsidiary of Union Pacific Corporation,

together with a number of wholly-owned and majority-owned subsidiaries, operates various railroad and railroad-related businesses.

2. Applicant's principal place of business is located at the Union Pacific Railroad, 1400 Douglas Street, Omaha, NE 68179.
3. All correspondence, communication notices, orders, and other papers relative to this application should be addressed to:

Union Pacific Railroad
Engineering Department
2015 South Willow Avenue
Bloomington, CA 92316
Attention: Freddy Cheung, P.E., Senior Manager – Industry
& Public Projects
or sent via e-mail to: fccheung@up.com,
(909) 685-2264.

4. In relation to but separate from the Colton Crossing Project, additional improvements are subject to the Memorandum of Understanding (MOU). One improvement shall be a new railroad/street grade separation (Undercrossing) at Laurel Street (CPUC Crossing No. 002B-2.10; USDOT No. 026449C) located on the BNSF San Bernardino Subdivision. Another improvement shall be the establishment of a Quiet Zone in the City of Colton. The Quiet Zone shall include quiet zone improvements at Valley Boulevard (CPUC Crossing Number 002B-3.10; USDOT No.

026456M) and Olive Street (CPUC Crossing No. 002B-2.40; USDOT No. 026450W), with the removal of existing at-grade crossings at H Street (CPUC Crossing No. 002B-3.00; USDOT No. 026455F) and E Street (CPUC Crossing No. 002B-2.80; USDOT No. 026452K) all located along the BNSF San Bernardino Subdivision. A third improvement shall be the realignment of the UPRR's Riverside Industrial Lead rail line out of the center of 9th Street. A fourth improvement shall be the abandonment of a segment of the UPRR's Riverside Industrial Lead rail line that crosses over the I-215 freeway.

5. BNSF Railway Company (BNSF) is a railroad property owner at the subject crossing. BNSF is a common carrier Class 1 railroad.
6. The Southern California Regional Rail Authority (SCRRA) operates Metrolink regional commuter trains over the BNSF San Bernardino Subdivision and as such is considered a project stakeholder for document service purposes.
7. Amtrak operates passenger trains over the UPRR Los Angeles Division Yuma Subdivision and such is considered a project stakeholder for document service purposes.

8. The Project description is as follows: Applicant proposes to construct two new overpass grade separations on the UPRR Los Angeles Division Yuma Subdivision. The crossings are located at MP 538.57 and MP 538.67. The crossing at MP 538.57 is a single track connector between the UPRR and BNSF main tracks. The connector track is located northwest of the existing Colton Crossing. The Yuma Subdivision crossing at MP 538.67 is on a two-main-track segment of the BNSF San Bernardino Subdivision. The UPRR tracks will be raised across the aforementioned crossings. Retaining walls and/or slopes will be constructed along both sides of the UPRR tracks.
9. The railroad structures to be constructed under the scope of this Project will conform to UPRR, BNSF and CPUC standards for horizontal and vertical clearances.
10. The minimum vertical clearance between the connector track and the proposed low chord of Bridge 538.57 will be 23'-4". The point of minimum vertical clearance is located on the southerly edge of the proposed bridge. However, there is a temporary minimum vertical clearance of 21'-4" on Bridge 538.57 during construction. UPRR request authority from the Commission for a temporary deviation

from General Order 26-D clearance requirements. Additionally, the minimum vertical clearance between the BNSF main tracks and Bridge 538.67's low chord will be 26'-5" located on the northerly edge of the proposed bridge. There will be 10'-0" minimum horizontal clearances between the track centerlines and the railings along the bridge side.

11. The permanent track alignment will not be contained within the existing railroad right-of-way. In its permanent revised configuration, an easement, within Caltrans Interstate 10 right-of-way will be required on the northerly side of the proposed permanent tracks.
12. The authorization to construct the Project is requested pursuant to Section 1201 through 1205 of the Public Utilities Code and is made in accordance with Rule 3.8, and by incorporation shall comply with the requirements of Rule 3.10, of the CPUC Rules of Practice and Procedure.
13. A decrease in train delays at the Colton Crossing will reduce existing and future rail congestion in southern California. The flyover will eliminate an at-grade mainline crossing, therefore reducing dwell times at the rail crossing and reducing vehicle

idling emissions and rail emissions which will result in improved air quality.

14. The following exhibits are transmitted as required by the referenced portions of CPUC Rules of Practice and Procedures 3.8 and (by incorporation) 3.10:

- One copy of Exhibit A-1, a Location Description using a coordinate system that has an accuracy comparable to a legal description for the crossing located at railroad milepost 538.57, in conformance with the requirements of CPUC Rule of Practice and Procedure 3.10 (a).
- One copy of Exhibit A-2, a Location Description using a coordinate system that has an accuracy comparable to a legal description for the crossing located at railroad milepost 538.67, in conformance with the requirements of CPUC Rule of Practice and Procedure 3.10 (a).
- One copy of Exhibit B (Proposed Bridge 538.57), map showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view in the immediate vicinity of the proposed crossing in

conformance with the requirements of CPUC Rule of Practice and Procedure 3.10 (b).

- One copy of Exhibit C (Proposed Bridges 538.57 & 538.67), consisting of a Vicinity Map showing the location of the Project in relation to the existing roads and streets in general vicinity, in conformance with CPUC Rule of Practice and Procedure 3.10 (c).
- One copy of Exhibit D-1 (Proposed Bridges 538.57 & 538.67), showing proposed railroad profile, in conformance with CPUC Rule of Practice and Procedure 3.10 (d).
- One copy of Exhibit D-2a (Proposed Bridge 538.57), showing a plan view map of the location of the Project, an elevation of the Project showing minimum vertical and horizontal clearances from the track to bridge structures and profile lines of railroad approaches to the crossing in conformance with CPUC Rules of Practice and Procedure 3.10 (d).
- One copy of Exhibit D-2b (Proposed Bridge 538.67), showing a plan view map of the location of the Project, an elevation of the Project showing minimum vertical and horizontal clearances from the track to bridge structures and profile

lines of railroad approaches to the crossing in conformance with CPUC Rules of Practice and Procedure 3.10 (d).

- One copy of Exhibit D-3a (Proposed Bridge 538.57), showing section view of horizontal clearance between shoofly track and proposed bridge in conformance with CPUC Rules of Practice and Procedure 3.10 (d).
- One copy of Exhibit D-3b (Proposed Bridge 538.67), showing section view of horizontal clearance between shoofly track and proposed bridge in conformance with CPUC Rules of Practice and Procedure 3.10 (d).
- One copy of Exhibit E, the Memorandum of Understanding dated May 4, 2010 between BNSF, UPRR, the City of Colton and the San Bernardino Associated Governments presented herein, in conformance with CPUC Rules of Practice and Procedure 3.10 (e), as evidence that the carrier to be crossed (BNSF) is willing that the crossing be installed.

15. Applicant is informed and believes that the plans for the Project as set forth in Exhibits D-1 through D-3b have been provided to and approved by BNSF. The cost of the work will be apportioned in accordance with the Memorandum of Understanding

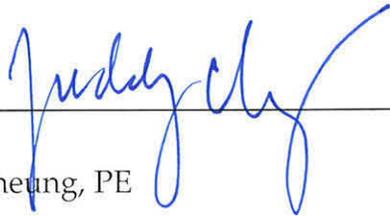
16. The California Department of Transportation (Caltrans), acting as the Lead Agency under the California Environmental Quality Act (CEQA), prepared an initial study for the project. Following public review, Caltrans has determined from this study that the Project would not have a significant effect on the environment. The findings pertaining to this determination are included in the document "Colton Crossing Rail to Rail Grade Separation Project: Initial Study/Mitigated Negative Declaration (IS/MND)" dated May 2011. The IS/MND document is included as Exhibit F-2. The Notice of Determination (NOD) is also included as Exhibit F-1.

WHEREFORE, Applicant, Union Pacific Railroad, respectfully requests that the Commission issue an order pursuant to the provisions of Sections 1201-1205, inclusive, of the California Public Utilities Code and Commission Rule of Practice and Procedure Rule 3.10 authorizing the construction of a new railroad overpass bridges on UPRR Yuma Subdivision track at Mile Post 538.57 and Mile Post 538.67.

Dated at Bloomington, California, this 13th day of May 2011.

UNION PACIFIC RAILROAD

By:



Freddy Cheung, PE

Its: Senior Manager – Industry & Public Projects

SCOPING MEMO INFORMATION FOR APPLICATIONS

A. Category (Check the category that is most appropriate)

Adjudicatory - “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as formal rough crossing complaints (maximum 12 month process if hearings are required).

Ratesetting - “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as **railroad crossing applications** (maximum 18 month process if hearings are required).

Quasi-legislative - “Quasi-legislative” proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary?

Yes

No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

Public hearings are not anticipated as being necessary.

Are public witness hearings necessary?

Yes

No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. **Issues** - List here the specific issues that need to be addressed in the proceeding.
None

D. **Schedule (Even if you checked “No” in B above)** Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

30 days Protest Period – May 13, 2011 through June 13, 2011

4 months Proposed Decision – September 12, 2011

6 months Final Decision – November 12, 2011

IF HEARING UNEXPECTEDLY BECOMES NECESSARY:

6 months Prehearing conference – November 12, 2011

9 months Hearings – February 07, 2012

12 months Briefs due – May 14, 2012

13 months Submission – June 08, 2012

16 months Proposed decision (90 days after submission) – September 07, 2012

18 months Final decision (60 days after proposed decision is mailed) – November 12, 2012

CERTIFICATE OF SERVICE

I, Gerard Reminiskey of HDR Engineering on behalf of Union Pacific Railroad hereby certify that I have this day mailed a copy of the foregoing documentation by UPS Next Day Air or U.S. Mail (Certified) to:

U.S. Mail (Certified)

Mr. Bill Lay (w/attachments)
California Public Utilities Commission
Rail Crossings Engineering Section
320 West 4th Street, Suite 500
Los Angeles, CA 90013

U.S. Mail (Certified)

Mr. Freddy Cheung (w/attachments)
Senior Manager of Industry & Public Projects
Union Pacific Railroad
2015 S. Willow Ave.
Bloomington, CA 92316

U.S. Mail (Certified)

Ms. Patricia Watkins (w/attachments)
Assistant Director – Public Projects
SCRRA-Metrolink
700 S. Flower Street, 26th Floor
Los Angeles, CA 90017-4101

U.S. Mail (Certified)

Mr. Harry Steelman (w/attachments)
Division Engineer
Amtrak
810 N. Alameda St., 2nd Floor
Los Angeles, CA 90012

U.S. Mail (Certified)

Mr. James (J.P.) Jones (w/attachments)
State Legislative Director
United Transportation Union
California State Legislative Building
1005 12th Street, Suite 4
Sacramento, CA 95814

CERTIFICATE OF SERVICE (Continued)

U.S. Mail (Certified)

Mr. Rod Foster (w/attachments)
City Manager
City of Colton
650 N. La Cadena Drive
Colton, CA 92324

U.S. Mail (Certified)

Mr. Melvin Thomas (w/attachments)
Manager Public Projects
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

U.S. Mail (Certified)

Walt Smith (w/attachments)
General Director, Engineering & Construction
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

U.S. Mail (Certified)

David Miller (w/attachments)
Manager Engineering
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

U.S. Mail (Certified)

Mr. Garry Cohoe (w/attachments)
Director of Freeway Construction
SANBAG
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410

U.S. Mail (Certified)

Mr. Savat Khamphou (w/attachments)
Planning/Local Assistance
California Department of Transportation, District 8
464 W. 4th Street, 6th Floor
San Bernardino, CA 92410

CERTIFICATE OF SERVICE (Continued)

U.S. Mail (Certified)

Mr. Tom Kim (w/attachments)
Program Manager Transportation
HDR Engineering, Inc.
3230 El Camino Real, Suite 200
Irvine, CA 92602

Dated this 13th day of May 2011 at Riverside, California, by:



Gerard Reminiskey

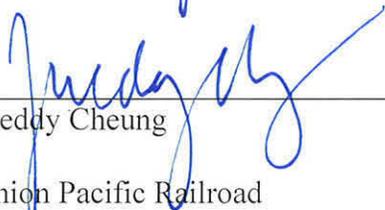
HDR Engineering on behalf of

Union Pacific Railroad

VERIFICATION

I, Freddy Cheung, I have read Union Pacific Railroad's Application to Construct two Overpass Grade Separations on the Union Pacific Los Angeles Subdivision, Yuma Subdivision at MP 538.57 and MP 538.67 and know the contents thereof, and the same is true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2 2011, in Bloomington, CA

By: 
Freddy Cheung

Union Pacific Railroad
2015 S. Willow Ave.
Bloomington, CA 92316
Telephone: (909) 685-2264