

Decision 00-11-003 November 02, 2000

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 "B" Street under the existing Union Pacific Railroad Company Crossing No. 3-25.51b, in the City of Industry.

Application A.00-03-035
(Filed March 10, 2000)

OPINION

Summary

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

City also requests authority to construct a shoofly track northerly of the main line tracks during construction so that existing rail traffic is not affected. The shoofly track would eventually be used on a permanent basis as a siding track. The final project would consists of three tracks: two main line tracks and a siding track.

Discussion

The project site is located in the eastern portion of the City of Industry, north of the State Route (SR) 60/SR-57 Freeway, south of Valley Boulevard and straddling Grand Avenue. Two Union Pacific railroad tracks transect the project site in a generally east/west direction. A Metrolink Station is located at the southwesterly border of the site adjacent to Brea Canyon Road. The project site is largely undeveloped and supports some interim grazing/agricultural activities.

The site lies in a lowland area in the eastern San Gabriel Valley with the San Jose Hills to the north and the Puente Hills to the south. The project site is approximately 23 miles east of Downtown Los Angeles. The site is roughly 30 miles northeast of the ports of Los Angeles and Long Beach and approximately 32 miles east of Los Angeles International Airport. Ontario International Airport is closer at 12 miles to the east of the project site. The San Bernardino County boundary lies approximately 3.5 miles east of the site, while Orange County boundary is 5 miles south of the project site. Although located entirely within the City of Industry, the proposed project site is close, or adjacent to, four other local jurisdictions, including the Cities of Walnut, Pomona, and Diamond Bar, and unincorporated Los Angeles County.

This project supports the City's primary goal of creating and maintaining an ideal setting for manufacturing, distribution, and industrial facilities within the City. The project would develop 6,376,800 gross square feet of industrial space, including approximately 2,041,800 gross square feet of Industrial Park and 4,335,000 gross square feet of warehouse, as well as 250,000 gross square feet of retail/commercial space on two sites totaling approximately 400 acres in size.

The entire site would be mass graded over a period of approximately 12 to 18 months, currently estimated to start in October of 2000. All supporting backbone infrastructure and utilities including new internal roadways, rail improvements to provide service to structures, water, reclaimed water, sewer, and storm drains would also be constructed in one phase over approximately 25 months. Service and utility connections to individual site would be extended in coordination with future developments. Construction of buildings would be phased over an assumed period of approximately 10 years in response to market demand. An internal roadway system of four streets, identified presently as streets "A", "B", "C", and "D", is planned to provide access to proposed new

development. A new undercrossing of the UP/Metrolink tracks is planned on Street "B", south of Brea Canyon Road.

The City anticipated that up to 49% of the planned industrial development may be served by rail access. There are two railroad lines which traverse the project site, including the Union Pacific tracks (formerly Southern Pacific Transportation Company) located in the northwest portion of the site and the UP/Metrolink tracks located in the southeast portion of the site. Development of the project may include the construction of up to approximately 34,000 feet of railroad spurs that would link the project to the existing UP/Metrolink tracks and the northerly UP tracks as well. Extension of rail access to individual structures would be dependent on future needs of individual tenants.

The proposed B Street Grade Separation is expected to require approximately 1,450 linear feet in length with a maximum vehicle height of 17 feet 6 inches, and would enable vehicular and pedestrian traffic to pass under the UPRR tracks. While bridge work is taking place at "B" Street, a shoofly track is to be constructed so that existing rail traffic is not affected. After construction, the shoofly track would eventually be used on a permanent basis as a siding track to service the proposed project.

The bridge construction and fill material will be placed to accommodate a second main track that the UPRR has planned for this area. The bridge structure will contain two main tracks and a siding track. It would be designed to accommodate a total of five tracks, three of which would be constructed as part of the project. Transition tracks would be constructed and connected to the UPRR with their approval. The additional tracks would allow rail access to proposed buildings.

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. After preparation and review of a Draft Environmental Impact Report (DEIR) dated February 8, 2000 and a Final Environmental Impact Report (FEIR) dated August 10, 2000, the City Council approved the project on September 14, 2000. A Notice of Determination was filed with the Los Angeles County Clerk on September 14, 2000, which made the following determinations:

1. The project will have a significant effect on the environment.
2. Mitigation measures were made a part of project approval.
3. A Final Environmental Impact Report was prepared for this project pursuant to the Provisions of CEQA.
4. A Statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The Commission is a responsible agency for this project under CEQA and has independently reviewed and assessed the DEIR, FEIR, Statement of Overriding Considerations and Notice of Determination. The benefits of the B Street Grade Separation project outweigh unavoidable adverse environmental effects. None of the adverse effects can be attributed to the grade separation. The site of the proposed project has been inspected by the Commission's Rail Safety and Carrier Division staff. The 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 the Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations over a railroad. A site map and detailed drawing of the Underpass structure are shown in Appendix A.

City, in order to meet Federal and State funding schedules, wishes to commence construction of the B Street Underpass grade separation at the earliest possible date. It is, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

In Resolution ALJ 176-3036, dated April 6, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3036.

This is an uncontested matter, in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comments is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on March 29, 2000. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct the B Street Underpass at separated grades under the Union Pacific Railroad Company's (UPRR) main line tracks in the City of Industry, Los Angeles County.
3. Construction of the underpass is an essential element in the development of approximately 414 acres of land in the City of Industry.
4. Public convenience, necessity, and safety require construction of the B Street Grade Separation, as indicated in Appendix "A".

5. Railroad operations require construction of a temporary shoofly track northerly of the main line tracks.
6. Upon completion of the Underpass and its opening to vehicular traffic, the temporary shoofly track may be converted to a siding track.
7. Public convenience, necessity, and safety require construction of the B Street Underpass.
8. City is the lead agency for this project under CEQA, as amended.
9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's DEIR, FEIR, Statement of Overriding Considerations, and Notice of Determination.
10. The project will have significant effect on the environment. Mitigation measures were part of project approval.
11. A Statement of Overriding Considerations was adopted for the project.
12. The benefits of the B Street Underpass project outweigh any unavoidable adverse environmental effects. None of the adverse effects can be attributed to the grade separation.

Conclusions of Law

1. There are no unresolved matters or protests; a public hearing is not necessary.
2. The usual 30-day effective date on an order should be waived as City wishes to commence construction of the project at the earliest possible date, to meet Federal and State funding schedules.
3. 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 B Street at separated grades under the Union Pacific Railroad Company's (UPRR) main line tracks in the City of Industry, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, to be identified as Crossing 3-25.51-B.

2. City is authorized to construct a temporary shoofly track northerly of the main line tracks during construction of the railroad bridge structure, so that existing rail traffic will not be affected.

3. Upon completion of the railroad bridge structure and restoration of the train traffic to its former alignment, the temporary shoofly may be converted to a permanent siding track.

4. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

5. Construction and maintenance costs shall be borne in accordance with an agreement entered into between parties. A copy of the agreement, together with plans approved by UP, shall be filed by City with the Commission's Rail Safety and Carrier Division prior to commencing construction.

6. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work was completed.

7. 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. The application is granted as set forth above.

A.00-03-035 RSCD/RRT/sld

Application 00-03-035 is closed.

This order is effective today.

Dated November 02, 2000, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
CARL W. WOOD
Commissioners



