

Decision 02-03-042 March 21, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Montclair for an Order authorizing construction of a crossing at separated grades between Monte Vista Avenue and tracks of the Union Pacific Railroad Company, sometimes referred to as the Monte Vista Avenue Overpass [PUC No. B-517.4 and 3-35.0].

Application 01-09-008
(Filed September 4, 2001)

O P I N I O N

Summary

City of Montclair (City) requests authority to construct Monte Vista Avenue Overpass at separated grades over the tracks of Union Pacific Railroad Company's (UP) Los Angeles to Yuma and Los Angeles to Riverside Junction main lines and to close and abandon the existing at-grade crossings of Monte Vista Avenue to public traffic, in Montclair, San Bernardino County.

Discussion

City proposes to construct Monte Vista Avenue Overhead at separated grades to accommodate the traffic flow in western San Bernardino County. Monte Vista Avenue is a major north-south arterial roadway. The roadway is one of the most westerly north-south thoroughfares in San Bernardino County. The roadway also carries traffic underneath two east-west freeways – Interstate (I) 10 (San Bernardino Freeway) and State Route (SR) 60 (Pomona Freeway). As a consequence of increasing frequency of freight and passenger rail traffic between Riverside and San Bernardino Counties and the Los Angeles Basin as well as

heavy rail traffic generated by the Ports of Long Beach and Los Angeles, the existing at-grade crossings of Monte Vista Avenue are frequently blocked by trains. Furthermore, numerous accidents between trains and motor vehicles have occurred. The total rail traffic is approximately 77 trains each day.

The proposed overpass structure will carry Monte Vista Avenue over State Street, three existing tracks, and a proposed track by means of a three-span reinforced concrete structure. The total length of the bridge along the roadway will be approximately 310 feet measured back-to-back of abutments. Abutments and bents will be of reinforced concrete. Four 12-foot vehicular lanes, two 6-foot shoulders, a 4-foot raised median, and two 5-foot sidewalks will be carried on the proposed overpass structure over the railroad tracks.

The existing at-grade public crossings of Monte Vista Avenue may or may not remain open to public traffic during construction, depending on the configuration of the detours and proximity to footing excavations. Upon completion of the grade separation structure, the existing Monte Vista Avenue at-grade crossings will be closed to public traffic and abandoned.

Portions of the existing at-grade crossings will remain in place as a private crossing only to provide access to and for the sole use of railroad off-track maintenance vehicles as well as vehicles of pipeline companies and other tenants to which longitudinal easements have been granted by the railroad. All other portions of the existing at-grade crossings will be closed, vacated, and physically removed. Fences will be erected along one or both sides of the railroad right-of-way. The private crossing, with a 28-foot width, will be located only across UP's Los Angeles to Riverside Junction main line. No private crossing will exist across UP's Los Angeles to Yuma main line. UP will install barricades and markers to direct railroad off-track maintenance vehicles and tenant vehicles to

the access road, located between the Los Angeles to Riverside Junction main line and the Los Angeles to Yuma main line. The warning devices at the private crossing shall be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C). Each Standard No. 9 signal shall be modified with the addition onto the signal post of one **PRIVATE R X R CROSSING – NO TRESPASSING** sign with black letters on a reflectorized white background as specified in GO 75-C, Standard No. 1-C. Such warning devices are necessary to preclude the queuing of northbound railroad off-track maintenance vehicles and tenant vehicles into eastbound and westbound State Street just south of the tracks.

The Monte Vista Avenue Overpass project ranks number 4 in the 2000-2002 Grade Separation Priority List of Decision (D.) 00-06-078, dated June 22, 2000, in Order Instituting Investigation (I.) 99-07-001. I.99-07-001 is an Investigation for the purpose of establishing a list for the fiscal years 2000-2001 and 2001-2002 of existing and proposed crossings at grade of city streets, county roads, or state highways in need of separation or projects effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alteration or reconstruction in accordance with Section 2452 of the California Streets and Highways Code. Section 2450 *et seq.* of the Streets and Highways Code established the Grade Separation Program to fund projects throughout the state that will eliminate hazardous grade crossings. Each year, the California Transportation Commission distributes a total of \$15 million to eligible projects, in accordance with Section 190 of the Streets and Highways Code, in the priority established by the Commission. In I.99-07-001, the Commission established the Priority List for the grant of state funds to construct, reconstruct or remove grade separations in Year 2000-2001 in accordance with the current formula. The Grade Separation

Priority List is established as the list of projects most urgently in need of construction, pursuant to Section 2452 of the Streets and Highways Code, for the fiscal year July 1, 2000 to June 30, 2001.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended), as stated in Public Resources (PR) Code Section 21000 et. seq. The City has filed a Notice of Exemption with the State Clearinghouse, which finds that the project is exempt from CEQA under PR Code Section 21080.13. That section exempts from CEQA "Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation." This project will eliminate two existing grade crossings to public traffic.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination. The site of the proposed Monte Vista Avenue Overpass grade separation has been inspected by the Commission's Rail Safety and Carriers Division – Rail Crossings Engineering Section staff. After reviewing the need for and the safety of the proposed Monte Vista Avenue Overpass, staff recommends that City's request be granted.

We believe the City reasonably concluded that the proposed grade separation project qualifies for CEQA exemption under PR Code Section 21080.13. Accordingly, we adopt the finding of exemption for purposes of our project approval.

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 a railroad. A site map and detailed drawings of the proposed Monte Vista Avenue

Overpass grade separation structure are shown in Appendix A attached to the order.

In Resolution ALJ 176-3071, dated September 20, 2001 and published on the Commission Daily Calendar on September 21, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3071.

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

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on September 14, 2001. There are no unresolved matters or protests; a public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct Monte Vista Avenue Overpass at separated grades over the tracks of UP's Los Angeles to Yuma and Los Angeles to Riverside Junction main lines in Montclair, San Bernardino County.

3. The construction of the Monte Vista Avenue grade separation is required to reduce traffic delay and congestion on Monte Vista Avenue, a major north-south arterial and thoroughfare, between I-10 and SR-60 freeways due to the

increasing frequency of freight and passenger rail traffic between the Counties of Riverside and San Bernardino and the Los Angeles Basin.

4. Public convenience, necessity and safety require construction of Monte Vista Avenue Overpass grade separation.

5. The Monte Vista Avenue Overpass project ranks number 4 in the 2000-2002 Grade Separation Priority List of Decision (D.) 00-06-078, dated June 22, 2000, in Order Instituting Investigation (I.) 99-07-001. The Grade Separation Priority List is established as the list of projects most urgently in need of construction, pursuant to Section 2452 of the Streets and Highways Code, for the fiscal year July 1, 2000 to June 30, 2001.

6. During the period of construction, the Monte Vista Avenue at-grade crossings may or may not remain open to public traffic, depending on the configuration of the detour layout and proximity to footing excavations. Upon completion of Monte Vista Avenue Overhead grade separation, the existing at-grade crossings will be closed to public traffic and abandoned.

7. Portions of the existing at-grade crossings will remain in place as a private crossing only, to provide access to railroad off-track maintenance vehicles, pipeline companies and other tenants to which longitudinal easements have been granted by the railroad. All other portions of the existing at-grade crossings will be closed, vacated, and physically removed. The private crossing, with a 28-foot width, will be located only across UP's Los Angeles to Riverside Junction main line. No private crossing will exist across UP's Los Angeles to Yuma main line.

8. Safety requires that the private crossing be protected by two Standard No. 9 automatic gate-type signals (GO 75-C). Each Standard No. 9 signal shall be modified with the addition onto the signal post of one **PRIVATE R X R**

CROSSING – NO TRESPASSING sign with black letters on a reflectorized white background as specified in GO 75-C, Standard No. 1-C.

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

10. City filed a Notice of Determination exempting the project from CEQA review Section 21080.13 of the PR Code, which exempts from the CEQA, “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.”

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

Conclusions of Law

1. We believe the City reasonably concluded PR Code Section 21080.13 applies to exempt this project from CEQA, and we adopt the City’s determination of exemption for purposes of our approval.

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 Montclair (City) is authorized to construct Monte Vista Avenue Overpass at separated grades over the tracks of Union Pacific Railroad Company’s (UP) Los Angeles to Yuma and Los Angeles to Riverside Junction main lines in Montclair, San Bernardino County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossings B-517.4-A and 3-35.0-A, respectively.

2. During the period of construction, City is authorized to close and abandon the existing Monte Vista Avenue at-grade crossings. Upon completion of Monte Vista Avenue Overhead grade separation and its opening to vehicular traffic, the

existing at-grade crossings of Monte Vista Avenue, Crossings B-517.4 and 3-35.0, shall be closed to public traffic and abandoned.

3. Portions of the existing crossings will remain in place as a private crossing only, to provide access to railroad off-track maintenance vehicles, pipeline companies and other tenants to which longitudinal easements have been granted by UP. All other portions of the existing at-grade crossings shall be closed, vacated, and physically removed. The private crossing, with a 28-foot width, shall be located only across UP's Los Angeles to Riverside Junction main line. No private crossing shall exist across UP's Los Angeles to Yuma main line.

4. Protection at the private crossing shall be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C). Each Standard No. 9 signal shall be modified with the addition onto the signal post of one **PRIVATE R X R CROSSING – NO TRESPASSING** sign with black letters on a reflectorized white background as specified in GO 75-C, Standard No. 1-C.

5. Clearances shall be in accordance with GO 26-D, except that during the period of construction a clearance of not less than 21 feet, 0 inches above top of rail shall be authorized. UP shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

6. City shall notify the Commission and UP at least 15, but not more than 30, days in advance of the date when the temporary impaired clearances will be created.

7. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be

promptly restored to their original condition in the event of damage during construction.

8. 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 prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

10. 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.

11. The application is granted as set forth above.

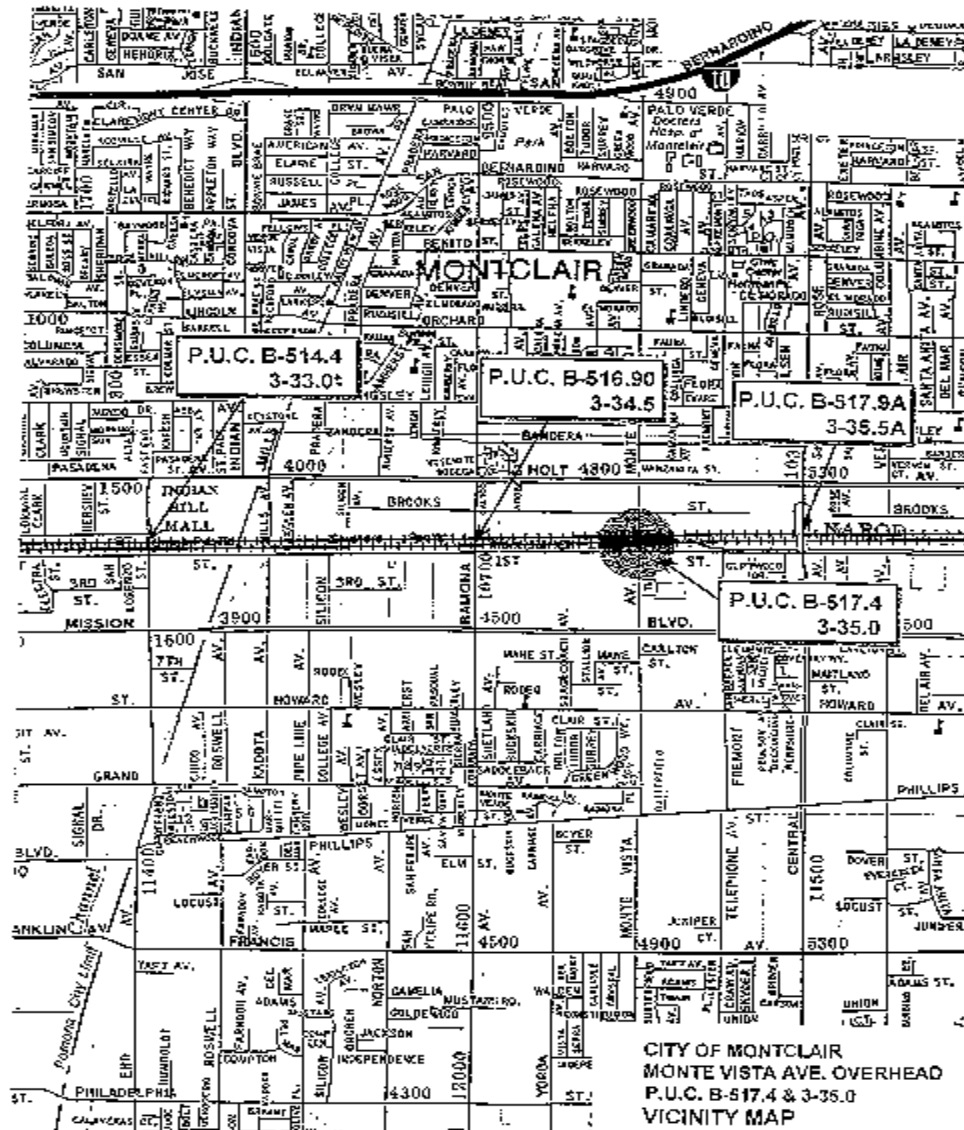
12. Application 01-09-008 is closed.

This order becomes effective 30 days from today.

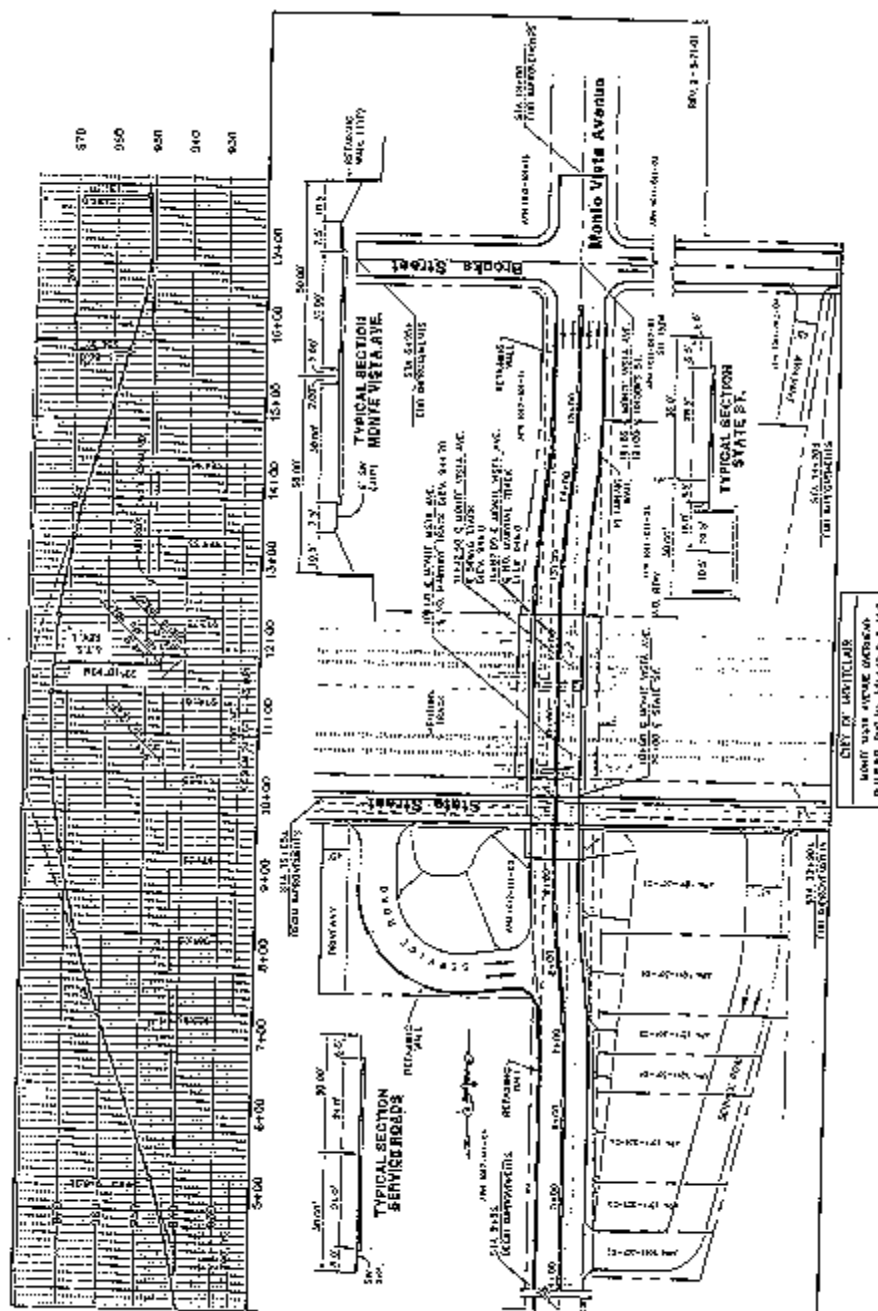
Dated March 21, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL. W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX A PLANS



PLANS



PLANS

