

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



December 5, 2008

Richard Ayala
City of Ontario
303 East B Street
Ontario, CA 91764

Dear Mr. Ayala:

Re: SCH# 2008111072; Guasti Plaza Specific Plan Amendment

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal- DEIR* from the State Clearinghouse for the proposed amendment allowing 500 multi-family residential dwelling units on the southwest corner of Turner Avenue and Guasti Road.

RCES recommends that the City include the mitigation measure of constructing continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers to the Union Pacific Railroad Company (UPRR) right-of-way. UPRR operates forty-two freight trains and one passenger train a day at a maximum speed of 70 mph on this track.

If you have any questions, please contact Bill Lay, Utilities Engineer at 213-576-1399, bll@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

A handwritten signature in black ink, appearing to be "Rosa Muñoz", written over a circular scribble.

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Dan Miller, UP