

Decision No. 74474

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the COUNTY OF ORANGE to construct a)
County Road across the Right of Way)
of The Atchison, Topeka and Santa Fe)
Railway Company at El Toro Road, in)
the El Toro Area.)

Application No. 50369
(Filed July 2, 1968)

O R D E R

County of Orange is hereby authorized to construct El Toro Road at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the County of Orange at the location described and in the manner as shown in the application, to be identified as Crossing No. 2-188.2-A.

Grade separation for El Toro Road has been established as Priority No. 16 by Decision No. 73511 in Case No. 8664, pursuant to Statutes 1957, Chapter 2091, Amended Statutes 1959, Chapter 1763.

Clearances shall be in accordance with the provisions of General Order No. 26-D, except that during the period of construction of the El Toro Road overhead, a clearance of not less than 21' 9" above top of rail is authorized and The Atchison, Topeka and Santa Fe Railway Company is authorized to operate with said reduced overhead clearance provided its rule which prohibits employees from riding on tops of moving cars remains in effect. Applicant shall notify the Commission and the railway involved at least 15 days but not more than 30 days in advance of the date when the temporarily impaired clearance will be created.

The existing crossing at grade of El Toro Road (Crossing No. 2-188.2) shall be closed upon commencement of construction of the grade separation.

During the period of construction of the separation structure, applicant is further authorized to construct a temporary crossing at grade to be identified as Detour Crossing No. 2-188.21. Construction of the temporary crossing shall be equal or superior to Standard No. 2 of General Order No. 72 and of a width of 34 feet with grades of approach not greater than two percent. The protection at the detour crossing shall be by two Standard No. 8 (General Order No. 75-B), flashing light signals supplemented with automatic crossing gates. The crossing shall not be opened to vehicular traffic until such protection has been placed in service.

Upon completion of Crossing No. 2-188.2-A and its being open to use by the public, Detour Crossing No. 2-188.21 shall be physically abandoned and closed.

Construction and maintenance expenses shall be borne in accordance with terms of an agreement to be entered into between the parties relative thereto and a copy of said agreement together with plans approved by The Atchison, Topeka and Santa Fe Railway Company, shall be filed with the Commission prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of JULY, 1968.

William J. Lyons, Jr.
President
William A. Bennett

Greg P. Monsey
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.