

RM

Decision No. 81507

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
the CITY of WESTMINSTER to construct  
a City street across the right of way  
of the Southern Pacific Transportation  
Company on 21st Street at Hoover  
Street and reclassify the Spruce Street  
crossing to a pedestrian way.

Application No. 53960  
(Filed April 10, 1973)

O P I N I O N

The City of Westminster requests authority to construct 21st Street at grade across the tracks of the Southern Pacific Transportation Company and abandon existing Spruce Street across the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on April 13, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The City of Westminster should be authorized to construct 21st Street at grade across the Southern Pacific Transportation Company tracks in Westminster, Orange County, at the location described in the application, to be identified as Crossing No. BAA-517.34.

Width of the crossing should be not less than 44 feet and grades of approach not greater than two percent. Crossing construction should be equal or superior to Standard No. 2 (General Order No. 72-A). Protection should be two Standard No. 9 signals (General Order No. 75-C). Clearances, including any curbs, should conform to General Order No. 26-D. Walkways adjacent to the crossing should conform to General Order No. 118.

Construction cost should be borne in accordance with an agreement to be entered into between the parties or, if they fail to

agree, by further order of the Commission. Maintenance cost of the crossing outside of lines two feet outside of rails should be borne by the applicant and the railroad should bear maintenance cost of the crossing between such lines. Installation and maintenance cost of the automatic protection should be divided equally between the applicant and the railroad pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

Upon completion, the existing Spruce Street (Crossing No. BAA-517.72) should be abandoned and physically closed.

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on April 30, 1973 filed an approved Environmental Statement Negative Declaration.

#### O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.

2. 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 two 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.

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

Dated at San Francisco, California, this 19<sup>th</sup> day of JUNE, 1973.

Yvonne L. Sturgeon  
President  
William Synovius  
[Signature]  
[Signature]  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.