

Decision No. 81722

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Carlsbad	)	
for Authority to Construct a Grade	)	
Separation over Tracks and Right of	)	Application No. 53950
Way of the Atchison, Topeka & Santa Fe	)	(Filed April 9, 1973)
Railway Company at Poinsettia Lane in	)	
the City of Carlsbad, California	)	

O P I N I O N

The City of Carlsbad requests authority to construct Poinsettia Lane at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company. Notice of the application was published in the Commission's Daily Calendar on April 11, 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 Carlsbad should be authorized to construct Poinsettia Lane at separated grades over The Atchison, Topeka and Santa Fe Railway Company tracks in the City of Carlsbad, San Diego County, at the location and substantially as shown by plans (Exhibit No. 1) attached to the application, to be identified as Crossing No. 2-233.7-A.

The priority list of grade separation projects for the year 1973 as set forth in Decision No. 80874 shows this project as priority No. 40.

Clearances should be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21'0" above top of rail is authorized and The Atchison, Topeka and Santa Fe Railway Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railway and filed with the Commission forbidding the

employees to ride on tops of cars. The applicant should notify the Commission and The Atchison, Topeka and Santa Fe Railway Company at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created. Walkway areas adjacent to the railroad track should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

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

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 12, 1973 approved a declaration of negative (nonsignificant) environmental effect. The Commission has considered the declaration in rendering its decision on this project.

The Commission adopts the applicant's Negative Declaration and finds that:

- (a) The environmental impact of this proposed action is insignificant.
- (b) The planned construction is the most feasible and economical that will avoid any environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

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 completed within three years or if the above conditions are not complied with. The time may be extended, or the authorization may be revoked or modified, if public convenience, necessity or safety so require.

3. The Secretary of the Commission shall file a Notice of Determination with the Secretary for Resources and with the planning agencies of any city and county which will be affected by the project.

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

Dated at San Francisco, California, this 14th day of AUGUST, 1973.

William L. Stinson  
President  
[Signature]  
[Signature]  
Commissioners

Commissioner William Simons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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