

CM

Decision No. 82627

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the CITY OF SAN JUAN CAPISTRANO to)
widen a City Street across the)
Right-of-Way of The Atchison, Topeka)
and Santa Fe Railway Company at)
Del Obispo Street in the City of San)
Juan Capistrano.)

Application No. 54419
(Filed October 30, 1973)

O P I N I O N

The City of San Juan Capistrano requests authority to widen the existing Del Obispo Street crossing across the tracks of The Atchison, Topeka, and Santa Fe Railway Company. Notice of the application was published in the Commission's Daily Calendar on November 5, 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 San Juan Capistrano should be authorized to widen the existing Del Obispo Street (Crossing No. 2-197.4) across The Atchison, Topeka, and Santa Fe Railway Company tracks in the City of San Juan Capistrano, Orange County, at the location and substantially as shown by plans (Exhibit No. 4) attached to the application.

Width of the crossing should be not less than 90 feet and grades of approach not greater than one percent. Crossing construction should be equal or superior to Standard No. 2 (General Order No. 72-B). Protection should be four 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.

A. 54419 CM*

Construction costs of the crossing should be borne in accordance with an agreement entered into between the parties relative thereto. Maintenance cost of the crossing outside of lines two feet outside of rails should be borne by the applicant and the railway should bear maintenance cost of the crossing between such lines.

The cost of the crossing protection should be divided equally between the parties. Maintenance cost of the automatic protection should be divided equally between the parties pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on February 13, 1973 approved the Environmental Impact Report.

The Commission accepts this report and has considered its contents in rendering the decision on this project and finds that:

- a) The overall impact to the natural and cultural environment should be insignificant or limited.
- b) The project will have substantial economic benefit in the community.
- c) The benefits of the project outweigh any possible environmental impact.
- d) The planned construction is the most feasible and economical to minimize environmental impact.
- e) 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 exercised within one year 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
26th day of MARCH, 1974.

Vernon L. Sturgeon
President

William J. Lyons

[Signature]

[Signature]
Commissioners

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