

ORIGINAL

Decision No. 82780

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
 Department of Transportation, for an
 order authorizing the construction of a
 crossing at separated grades, to be
 known as Palm City Overhead, over the
 tracks of the San Diego and Arizona
 Eastern Railway Company; and the altera-
 tion of railroad crossing protection at
 PUC Crossing No. 36-12.6 from crossbucks
 to Standard No. 8 flashing lights with
 automatic gates, in connection with the
 construction of State Highway Route 75
 in the City of San Diego.

Application No. 54382
 (Filed October 12, 1973)

O P I N I O N

The State of California Department of Transportation seeks an order of the Commission authorizing the construction, at separated grades of Palm City Overhead in connection with the State Highway Route 75 project and the installation of two Standard No. 9 signals (General Order No. 75-C) at the existing crossing of Iris Avenue (Crossing No. 36-12.6) across the San Diego and Arizona Eastern Railway Company's tracks in the City of San Diego, San Diego County. Notice of the application was published in the Commission's Daily Calendar on October 31, 1973. No protests have been received. A public hearing is not necessary.

F I N D I N G S

1. Applicant should be authorized to construct Palm City Overhead at separated grades over the San Diego and Arizona Eastern Railway Company tracks at the location and substantially as shown by plans (Exhibit B) attached to the application, to be identified as Crossing No. 36-12.7-A and install two Standard No. 9 signals (General Order No. 75-C) at the existing crossing of Iris Avenue (Crossing No. 36-12.6) in the City of San Diego, San Diego County.

2. Clearances at the Palm City Overhead 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 San Diego and Arizona Eastern Railway Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding the employees to ride on tops of cars. The applicant should notify the Commission and the San Diego and Arizona Eastern 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.

3. Construction and maintenance cost of the Palm City Overhead should be borne in accordance with an agreement entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing approved by the San Diego and Arizona Eastern Railway Company should be filed with the Commission prior to commencing construction. The installation cost of automatic protection at the existing crossing of Iris Avenue (Crossing No. 36-12.6) should be divided equally between the applicant and the railway. Maintenance cost of the automatic protection should be divided equally between the railway and the governmental body having jurisdiction over the crossing at the time said maintenance is incurred pursuant to provisions of Section 1202.2 of the Public Utilities Code.

4. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. Applicant states that the environmental impact of this project has been reviewed by the Department of Transportation on or about March 24, 1971, as required in Section 4-C of the Interim Guideline

for Implementation of Section 102(2)c of the National Environmental Policy Act of 1969, and endorsement of said review was given by the Division Engineer of the Federal Highway Administration on April 7, 1971. It is the determination of the Department of Transportation that this project does not require an Environmental Statement.

5. The Commission has considered the Department's Negative Environmental Declaration and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.

6. The proposed construction would not be adverse to the public interest.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following Order:

O R D E R

IT IS ORDERED that:

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 three years unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessary 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 23rd day of APRIL, 1974.

Vernon L. Stenger
President
William L. Stenger
William L. Stenger
William L. Stenger
William L. Stenger
Commissioners