

Decision No. 82939

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE ATCHISON, TOPEKA AND)
SANTA FE RAILWAY COMPANY, a corporation,)
for authority to construct, have con-)
structed, maintain and operate a lead)
track and siding across MAIN STREET in)
the Irvine Industrial Park in the City)
of Irvine, County of Orange, State)
of California.)

Application No. 54564
(Filed January 9, 1974)

O P I N I O N

Applicant railway seeks an order of the Commission authorizing the construction, at grade, of an industrial lead track and siding across Main Street in the City of Irvine, County of Orange.

Pursuant to Rule 17.1(c) of the Commission's Rules of Practice and Procedure, applicant has filed an Environmental Data Statement and a Motion for Negative Declaration. The staff examined the site of the proposed lead track and siding and submitted its environmental report thereon. According to both the report and the railway's Environmental Data Statement, the proposed construction is located within an existing industrial park and it will have an insignificant effect on the environment.

The applicant proposes that the Main Street crossing be protected by four Standard No. 9 signals (General Order No. 75-C). Applicant states that the proposed rail usage makes a separation of grades not economically practicable. Notice of the application was published in the Commission's Calendar on January 10, 1974. No protest has been received. A public hearing is not necessary.

Applicant requests waiver of the 20-day waiting period since industry to be served requires early rail service.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct an industrial lead track and siding, at grade, at the location and in accordance with the plan set forth in the application to be identified as Main Street (Crossing No. 2-131.62-C).

2. Construction and maintenance costs of the industrial lead track and siding and installation of the automatic crossing protection should be borne by the applicant.

3. It is reasonably certain that the project involved will not have a significant effect on the environment. The motion for a Negative Declaration should be denied.

4. Waiver of the 20-day waiting period should be granted.

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 Atchison, Topeka and Santa Fe Railway Company is authorized to construct, maintain, and operate across Main Street in the City of Irvine, Orange County, an industrial lead track and siding substantially as set forth in its application and the attached print of Division Engineer's Drawing No. L-4-32167, as revised March 12, 1973.

2. The crossing, to be identified as Crossing No. 2-181.62-C, shall be protected by the installation of four Standard No. 9 signals (General Order No. 75-C). Finished grades of approach shall conform to the existing roadway. Crossing construction shall be equal or superior to Standard No. 2 (General Order No. 72-B).

3. Clearances, including any curbs, shall conform to General Order No. 26-D. Walkways adjacent to the crossing shall conform to General Order No. 118.

4. Construction expense of the crossing and installation of automatic protection shall be borne by the applicant.

5. Maintenance costs of the crossings within lines two feet outside of rails shall be borne by the applicant. Maintenance costs of the automatic protection shall be borne by the applicant.

6. No train, engine or car shall be operated over the crossing until the protection ordered herein is installed and operative.

7. 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 the above conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity or safety so require.

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8. The motion made herein by applicant is denied.
The effective date of this order shall be the date
hereof.

Dated at San Francisco, California, this 5th
day of JUNE, 1974.

Vernon L. Sturgeon
President

William J. Lyons

W. J. Lyons

W. J. Lyons

W. J. Lyons
Commissioners