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Decision No. 82942

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE ATCHISON, TOPEKA AND  
SANTA FE RAILWAY COMPANY, a corporation,  
for an order authorizing the modification  
of a crossing at separated grades to con-  
struct second main track over Terrace  
Avenue near the City of Colton, in the  
County of San Bernardino, State of  
California, and for variance to General  
Order 26-D, Section 12.1.

Application No. 54759  
(Filed March 27, 1974)

OPINION

Applicant seeks an order of the Commission authorizing the modification of a crossing at separated grades for the construction of a second main track over Terrace Avenue and a variance from General Order No. 26-D, Section 12.1 to provide for a vertical clearance of 12.4 feet to conform to the clearance of the existing structure near the City of Colton, County of San Bernardino. Applicant alleges that the need for the variance arises from the fact that due to the close proximity of the Santa Ana River to the project, lowering of the gradient of Terrace Avenue at the structure would adversely affect drainage, as well as approach gradient to La Cadena Drive.

Pursuant to Rules 17.1 (e)(2)(E) of the Commission's Rules of Practice and Procedure, applicant has filed a Motion requesting a Negative Declaration. The staff examined the site and submitted its environmental report thereon. Notice of the application was published in the Commission's calendar on March 29, 1974. No protest has been received. A public hearing is not necessary.

### FINDINGS

1. The request is in the public interest and should be granted.
2. Applicant should be authorized to construct a second main track at separated grades, at the location and in accordance with the plan set forth in the application to be identified as a portion of the existing Terrace Avenue (Crossing No. 2B-4.8-B).
3. Applicant should be authorized to deviate from the 15 foot vertical clearance requirement of General Order No. 26-D.
4. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto.
5. The Commission finds with reasonable certainty that this project will not have a significant effect on the environment. The applicant's motion for a Negative Declaration should be denied.

### CONCLUSIONS

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 a second main track at separated grades over Terrace Avenue near the City of Colton, County of San Bernardino, as set forth in its application and the attached print of Division Engineer's Drawing No. L-10-32989, marked Exhibit "A".
2. The crossing shall be identified as a portion of existing Crossing No. 2B-4.8-B.
3. The vertical clearance at the crossing may be less than 15 feet required by General Order No. 26-D, but not less than 12.4 feet above the existing roadway.

4. Large reflectorized signs warning of the impaired vertical clearance shall be placed on each side of the crossing.

5. Construction and maintenance costs shall 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 parties relative thereto shall 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.

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

7. The motion made herein by applicant is denied.

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

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

Harmon L. Sturgeon  
President  
William Symons, Jr.  
William L. Miller  
John A. Miller  
Edward J. Miller  
Commissioners