

Decision No. 82980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THE CITY OF SAN DIEGO for authority)
 to establish two (2) public street)
 crossings of the Right of Way of the)
 Atchison, Topeka & Santa Fe Railway)
 Company at Distribution Avenue and)
 Production Avenue in the City of)
 San Diego, County of San Diego,)
 State of California.)

Application No. 54418
 (Filed October 30, 1973)

O P I N I O N

The City of San Diego requests authority to establish the existing private crossings at Distribution Avenue and Production Avenue and tracks of The Atchison, Topeka and Santa Fe Railway Company as public at grade crossings.

The City of San Diego is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on July 5, 1973 adopted a Negative Declaration.

Notice of the application was published in the Commission's Daily Calendar on November 2, 1973. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. The proposed change of status would not be adverse to the public interest.
2. Applicant should be authorized to establish public crossings at grade of Distribution Avenue and Production Avenue and tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of San Diego, County of San Diego, at the location and substantially as shown by plans attached to the application.

3. Costs of the crossings and installation of automatic protection should be borne by the railway company in accordance with an agreement entered into between the parties or, if they fail to agree, by further order of the Commission.

4. Maintenance costs of the automatic protection should be borne by the railroad.

5. The Commission has considered the city's Negative Declaration in rendering its decision on this project.

The Commission accepts said Negative Declaration and finds that:

- (a) The environmental impact of this proposed action is insignificant.
- (b) There are no known irreversible environmental changes involved in this project.

6. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with applicable rules and general orders of the Commission.

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 City of San Diego is authorized to establish the existing private crossings at grade of Distribution Avenue and Production Avenue and tracks of The Atchison, Topeka and Santa Fe Railway Company as public crossings, identified as Crossing No. 2-254.08-C and Crossing No. 2-253.90-C, respectively.

2. Protection at each crossing shall be two Standard No. 3 flashing light crossing signals (General Order No. 75-C).

3. Construction of each crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B).

4. Width of each crossing shall be not less than 50 feet and grades of approach not greater than three percent.

5. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

6. Construction costs of each crossing and the installation of automatic protection shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

7. Maintenance costs of the automatic protection shall be borne by the railway company.

8. Maintenance of each crossing shall be in accordance with General Order No. 72-B.

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 two 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.

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

Dated at San Francisco, California, this 18th
day of JUNE, 1974.

James L. Stearns
President
William Symons, Jr.
William
William
William
Commissioners