

ORIGINALDecision No. 82986

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Santa Ana to construct a)
City Street across the Right of Way) Application No. 54421
of the Atchison, Topeka and Santa Fe) (Filed October 31, 1973)
Railway Company at Carnegie Avenue in)
the southeast Santa Ana area.)

O P I N I O N

The City of Santa Ana requests authority to construct Carnegie Avenue at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company in the City of Santa Ana, Orange County.

The City of Santa Ana is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on March 29, 1974, 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 construction would not be adverse to the public interest.
2. The City of Santa Ana should be authorized to construct Carnegie Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's spur track in the City of Santa Ana, Orange County, at the location and substantially as shown by plans attached to the application.
3. Cost of the crossing and installation of automatic protection should be borne by the applicant.

4. Maintenance costs of the crossing and automatic protection should be borne by the applicant except that the railway should bear the maintenance cost of the crossing within lines two feet outside of rails.

5. The City of Santa Ana is the lead agency as defined in CEQA Guidelines, Sections 15030 and 15064. 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) The planned construction is the most feasible and economical that will avoid any environmental impact.
- (c) 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 Santa Ana is authorized to construct Carnegie Avenue at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company in the City of Santa Ana, County of Orange, at the location and substantially as shown by plans attached to the application, identified as Crossing No. 2-179.15-C.

2. Protection at the crossing shall be two Standard No. 8 signals (General Order No. 75-C).

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

4. Width of the crossing shall be not less than 44 feet and grades of approach not greater than one percent.

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

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

7. Maintenance of the crossing shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

8. 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.

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.

Herbert L. Thompson
President

William J. Lyons, Jr.

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Commissioners