

ORIGINAL

Decision No. 84950

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, maintain, )  
 and operate an industrial lead track )  
 across Walnut Avenue, at Tustin, County )  
 of Orange, California. )

Application No. 55834  
 (Filed July 23, 1975)

OPINION AND ORDER

As part of the project for development of the Irvine Industrial Complex, The Atchison, Topeka and Santa Fe Railway Company requests authority to operate over an industrial lead track constructed at grade across Walnut Avenue in the City of Tustin, Orange County.

The City of Tustin is the lead agency for the project to develop the Irvine Industrial Complex pursuant to the Environmental Quality Act of 1970, as amended. After review and approval of an Environmental Impact Report, the City Council of the City of Tustin passed and adopted Ordinance No. 611 on February 4, 1974 rezoning property and thereby permitting construction of the Irvine Industrial Complex.

The Environmental Impact Report adopted by the City of Tustin noted that the "spur" track crossing of Walnut Avenue could potentially create a minor negative impact on the environment due to congestion which might occur at times the crossing was in use. Mitigating measures to minimize such congestion are being negotiated between the city and the railroad.

The crossing and its automatic protection have been completed and are ready to be placed in service when so authorized by the Commission. The first industry is presently moving into the industrial complex and will require rail service at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on July 31, 1975. 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. Applicant should be authorized to operate over an industrial lead track constructed at grade across Walnut Avenue in the City of Tustin, Orange County, at the location and substantially as shown by plans attached to the application.
2. Cost of the crossing and installation cost of the automatic protection should be borne by the applicant.
3. Maintenance of the crossing should be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection should be borne by the applicant.
4. Dimensions, configurations, clearances and walkways should be substantially in accordance with plans attached to the application and comply with applicable rules and general orders of the Commission.
5. It can be seen with reasonable certainty that this project will not have a significant effect on the environment.
6. The industry to be served has need for rail service at the earliest possible date.

### 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:

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is authorized to operate over an industrial lead track constructed at grade across Walnut Avenue in the City of Tustin, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 2-179.74-C.
2. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B). Width of the crossing shall

conform to the ultimate width as shown on the city's master plan of streets with tops of rails flush with the street.

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

4. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (General Order No. 75-C).

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



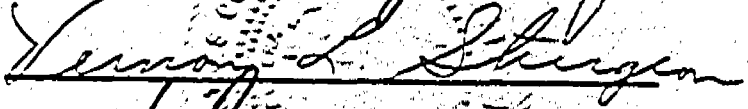
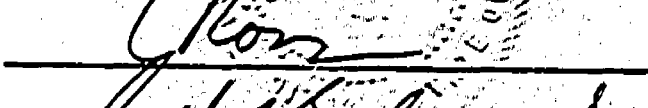

6. Maintenance of the crossing shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be borne by the applicant.

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. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of SEPTEMBER, 1975.

  
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President  
  
  
  
  
Commissioners