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Decision No. 85623

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,  
maintain and operate a lead track and  
spur track across Cabot Drive in the  
City of San Diego, County of San Diego,  
California. }

Application No. 56236  
(Filed January 28, 1976)

O P I N I O N

As part of the project for development of the Miramar Mesa Industrial Park, The Atchison, Topeka and Santa Fe Railway Company (applicant) requests authority to construct, maintain and operate a lead track and spur track at grade across Cabot Drive in the City of San Diego, San Diego County.

The City of San Diego is the lead agency for the project to develop the Miramar Mesa Industrial Park pursuant to the Environmental Quality Act of 1970, as amended. The Negative Environmental Impact Report and First and Second Amendments adopted by the City of San Diego on December 27, 1974 state that "the proposed project will have an insignificant impact on the environment".

The applicant also requests that the Commission waive the usual 20 day waiting period because the industry to be served has immediate need for use of the proposed track and is required to use a nearby team track which is inconvenient for them. Also requested is that operation over Cabot Drive be allowed with interim protection by two Standard No. 1-R signs (General Order 75-C) until materials and labor are available to install Standard No. 8 signals.

Notice of the application was published in the Commission's Daily Calendar on January 30, 1976. 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 construct, maintain and operate a lead track and spur track at grade across Cabot Drive in the City of San Diego, San Diego County, at the location and substantially as shown by plan 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 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 plan attached to the application and comply with applicable rules and general orders of the Commission.

5. The industry to be served has need for rail service at the earliest possible date since it is required to use a nearby team track which is inconvenient for them and, therefore, the usual 20-day waiting period should be waived.

6. Applicant should be authorized to proceed with construction with interim protection consisting of two Standard No. 1-R crossing signs (General Order 75-C) with all movements over the crossing protected by a member of the train crew until automatic protection can be placed in service.

7. It can be seen with reasonable certainty that this project will not have a significant effect on the environment.

### 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 a lead track and spur track at grade across Cabot Drive in the City of San Diego, San Diego County, at the location and substantially as shown by plan attached to the application, to be identified as Crossing 2-255.58-C.
2. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order 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 26-D. Walkways shall conform to General Order 118.
4. Protection at the crossing shall be two Standard No. 8 automatic signals (General Order 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 72-B. Maintenance cost of the automatic protection shall be borne by the applicant.
7. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R signs (General Order 75-C) and no on-rail vehicle shall be operated over said crossing unless it shall first be brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as a flagman. Written instructions shall be issued by the railroad to trainmen; operating over said crossing, to comply with said flagging instructions. Copy of said instructions shall be filed with the Commission within thirty days after installation of said crossing. Flagging procedures outlined herein shall remain in full force until the automatic protection required herein is installed.

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 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 Los Angeles, California, this 23rd  
day of MARCH, 1976.

[Signature]  
President  
William G. Mason Jr.  
William L. Sturgeon  
[Signature]  
[Signature]  
Commissioners