

ORIGINAL

Decision 84 04 093

APR 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Orange to construct a)
public roadway crossing over the)
tracks of the Atchison, Topeka and)
Santa Fe Railway Company at Glassel)
Street)

Application No. 83-11-65
(Filed November 28, 1983)

O P I N I O N

As part of a project for a nine-lot industrial subdivision, the City of Orange (City) requests authority to construct Bristol Lane at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) tracks in Orange, Orange County.

The project involves the development of a land-locked 5.16 acre parcel of land which will be subdivided into nine lots for the construction of nine individual industrial buildings. The project area is bounded on the north by Fletcher Avenue, on the east by Glassel Street, on the south by Freedom Avenue, and on the west by American Avenue.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, City approved the project. On September 22, 1983, a Notice of Determination was filed with the Orange County Clerk which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission Daily Calendar on December 9, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Bristol Lane at grade across AT&SF's tracks in Orange, Orange County.
2. The proposed crossing is required to provide access to a land locked parcel of land which is proposed to be developed as an industrial park.
3. Public convenience and necessity require construction of the Bristol Lane Crossing.
4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
5. City is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusion of Law

1. 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 Orange (City) is authorized to construct Bristol Lane at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) tracks in Orange, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2N-3.4-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

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

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

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

7. Construction plans of the crossing, approved by AT&SF, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion of the work under this order, City shall advise the Commission in writing that the authorized work has been completed.

This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


Joseph E. Bodovitz, Executive Director