

ORIGINAL

Decision 82 03 101

MAR 16 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the City of Fullerton for an)
Order Authorizing the Construction)
of an Underpass Grade Crossing in)
lieu of the Existing Surface Grade)
Crossing over THE ATCHISON, TOPEKA)
& SANTA FE RAILWAY COMPANY tracks)
at GILBERT STREET in the City of)
Fullerton)

Application 61163
(Filed December 30, 1981)

O P I N I O N

The City (City) of Fullerton requests authority to construct Gilbert Street at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Fullerton, Orange County.

City also requests authority to construct a temporary detour grade crossing easterly of the existing Gilbert Street grade crossing for use while construction of the grade separation structure is underway. In addition, a temporary shoofly of the railroad's two main line tracks and one spur track will be required for approximately one year to facilitate excavation and earthwork removal at the project site.

The priority list of grade separation projects for fiscal year 1981-82, as set forth in Decision 93160, dated June 2, 1981, shows this project as Priority No. 28.

City is the lead agency for the project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 2100 et seq. After preparation and review of an Environmental Impact Report, City approved the project. On November 13, 1981, a Notice of Determination was filed with the Orange County Clerk which found that the City Council of Fullerton approved the Environmental Impact Report prepared on August 1981 and certified it as complete. A Notice of Completion was filed with the Secretary for Resources on September 10, 1981.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Final Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The project will replace the existing Gilbert Street grade crossing with an underpass that will accommodate two travel lanes in each direction. Construction of the underpass will reduce vehicular traffic delay and improve the safety of railroad operations. Land use in the area is principally light industrial.

Notice of the application was published in the Commission's Daily Calendar on January 5, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Gilbert Street at separated grades under the tracks of AT&SF's main line in Fullerton, Orange County.

2. Construction of the Gilbert Street underpass requires that a temporary detour grade crossing be constructed easterly of the existing Gilbert Street grade crossing to provide for vehicular traffic circulation in the western portion of the city.

3. Railroad operations require temporary construction of shoofly tracks south of the AT&SF's existing operating right-of-way during the construction of the railroad bridge structure.

4. Public safety requires that protection at the temporary detour crossing be two Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Construction of the Gilbert Street underpass is required to reduce vehicular traffic delay and improve safety for railroad operations.

6. Public convenience and necessity require construction of the Gilbert Street underpass.

7. Applicant is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report.

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

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

1. The City of Fullerton (City) is authorized to construct Gilbert Street at separated grades under the tracks of The Atchison, Topcka and Santa Fe Railway Company's (AT&SF) main line in Fullerton, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-162.4-B.

2. City is authorized to construct a temporary detour grade crossing for use during construction of the railroad bridge structure, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-162.41.

3. Protection at the temporary detour crossing shall be two Standard No. 9 automatic gate-type signals (General Order No. 75-C).

4. Upon completion of the underpass and its opening to vehicular traffic, the existing Gilbert Street grade crossing (Crossing 2-162.4) and the temporary detour grade crossing (Crossing 2-162.41) shall be closed and physically removed.

5. Clearances shall be in accordance with General Order 26-D, walkways shall conform to General Order 118.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into among the parties. A copy of the agreement, together with plans of the crossing approved by AT&SF, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion, under this order, applicant shall advise the Commission in writing.

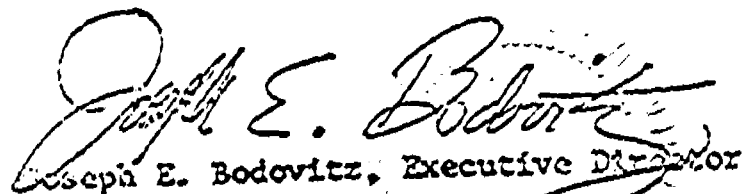
This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director