

ORIGINAL

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Decision \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
The City of Anaheim to construct a )  
City Street across the Right of Way )  
of the Atchison, Topeka, and Santa )  
Fe Railway Company at Hunter Avenue )  
in the East Anaheim Area. )

Application 82-01-34  
(Filed January 18, 1982)

O P I N I O N

As part of a project to develop a 57.6-acre area identified as Parcel Map No. 80-248 for industrial use, the City of Anaheim (City) requests authority to construct Hunter Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) spur tracks in Anaheim, Orange County.

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 issued a Negative Declaration and approved the project. On January 29, 1982, 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 independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project identified as Parcel Map No. 80-248 is a new industrial development bounded by Kellogg Drive on the west, Imperial Highway on the east, La Palma Avenue on the south, and AT&SF's main line track on the north. The extension of Hunter Avenue across AT&SF's tracks will provide access to newly constructed industrial plants as well as improving traffic circulation in the general area.

Dunn Properties Corporation, developer of the industrial area, has requested that Hunter Avenue be opened to public use across AT&SF's tracks at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on January 19, 1982. 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 Hunter Avenue at grade across AT&SF's spur tracks in Anaheim, Orange County.

2. The proposed crossing is required to provide access to and improve traffic circulation for a new industrial development in the northeastern portion of the City of Anaheim.

3. Public convenience and necessity require construction of the proposed railroad - highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers (General Order 75-C).

5. Pending installation of the automatic flashing-light signals, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of the crossing.

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

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

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

Conclusions of Law

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

2. The usual 30-day effective date on an order should be waived as the developer of the industrial subdivision has requested that Hunter Avenue be opened to public use across AT&SF's tracks at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of Anaheim (City) is authorized to construct Hunter Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) spur tracks in Anaheim, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2B-39.3-C.

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

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-A automatic flashing-light signals with cantilevers (General Order 75-C).

5. 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 crossing signs (General Order 75-C). No on-rail vehicle shall operate over the crossing unless it is first 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 flagman. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by the railroad to trainman, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Hunter Avenue, calling the attention of trainmen to the flagging instructions.

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

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

9. 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.

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

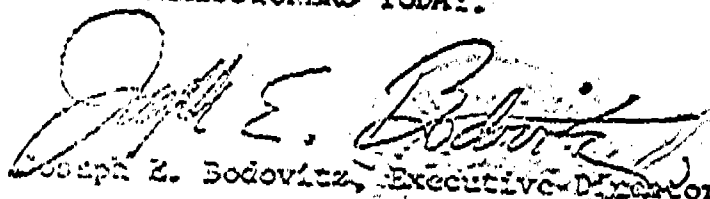
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated MAY 4 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director