

Decision No. 88347 JAN 17 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 SOUTHERN PACIFIC TRANSPORTATION COMPANY )  
 for an order authorizing the construction )  
 at grade of an industrial drill track in, )  
 upon and across Chapman Avenue in the )  
 City of Garden Grove, County of Orange, )  
 State of California. )

Application No. 57561  
 (Filed September 12, 1977)

O P I N I O N

As part of the project for development of the Irvine Industrial Complex, the Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across Chapman Avenue in the City of Garden Grove, Orange County.

The City of Garden Grove is the lead agency for the project to develop the Irvine Industrial Complex pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the City of Garden Grove approved the project for development of the Irvine Industrial Complex and on June 15, 1976, filed a Notice of Determination with the Orange County Clerk which found that "The project will have a significant effect on the environment".

Unavoidable adverse impacts of the development project include increased air pollutant levels, increased traffic and increased noise levels which will result from the increased traffic and railroad activities. On a regional basis, the impact on air quality will be one of redistribution of mobile sources that may actually reduce pollutant concentrations. While traffic will be increased on the surrounding streets, traffic should remain within the design capacity of these streets.

Increased traffic and railroad activities will generate noise levels that cannot be completely mitigated and, thus, the overall community noise levels in the area will be increased. Should noise problems result from rail activities, it is anticipated that substantial mitigation can be accomplished by installation of noise

barriers at the northern end of the spur line either through the use of block wall, building siting, or other attenuating measures to reduce the noise exposure of the adjacent residential development.

By letter of December 6, 1977, The Irvine Company, developer of the industrial complex, advised that the industry to be served by the spur track requires rail service in approximately five weeks and, therefore, requests that the usual twenty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on September 14, 1977. 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 an industrial spur track at grade across Chapman Avenue in the City of Garden Grove, Orange County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing BAA-516.47-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be four Standard No. 9 automatic gate-type signals (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 signs (General Order 75-C) and no on-rail vehicle should be operated 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 a flagman.
6. Written instructions should be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions should be filed with the

Commission within thirty days after installation of the crossing. Flagging procedures outlined herein should remain in full force until the required automatic protection is installed and operative.

7. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

8. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance of the automatic protection should be borne by the applicant.

9. The City of Garden Grove is the lead agency for the project to develop the Irvine Industrial Complex pursuant to the California Environmental Quality Act of 1970, as amended, and on May 11, 1976, approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the City of Garden Grove's final Environmental Impact Report and Notice of Determination and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

10. The industry to be served by the spur track requires rail service at the earliest possible date; therefore, the usual twenty-day waiting period should be waived.

#### 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. Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across Chapman Avenue in the City of Garden Grove, Orange County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

3. 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.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th  
day of JANUARY, 1978.

William A. Szymanski President  
Vernon L. Sturgeon  
Arthur D. Swartz  
Clair J. DeBrie Commissioners

Commissioner Robert Batkovich, being  
necessarily absent, did not participate  
in the disposition of this proceeding.