

Decision No.

89C28

JUN 27 1978

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
spur track over Tippecanoe and
Victoria Avenues in the City of
San Bernardino, County of
San Bernardino, State of California

Application No. 57950
(Filed March 27, 1978)

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company requests authority to construct a spur track at grade across Tippecanoe Avenue, as part of the existing crossing, and Victoria Avenue in the City of San Bernardino, San Bernardino County.

The proposed spur track will provide service to the City of San Bernardino Redevelopment Agency's Southeast Industrial Park. Applicant states that Kroeler Manufacturing Company, the industry to be served, has immediate need for rail service and, therefore, requests that the usual 30-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on March 28, 1978. 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 a spur track at grade across Tippecanoe and Victoria Avenues in the City of San Bernardino, San Bernardino County, at the locations and substantially as shown by the plan attached to the application to be identified as a portion of Crossing 2U-4.2 and as Crossing 2U-4.9-C, respectively.
2. Construction of the crossings should be equal or superior to Standard No. 2 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 Victoria Avenue crossing should be two Standard No. 8-A automatic signals with cantilevers (General Order 75-C).

5. Protection at the Tippecanoe Avenue crossing should continue to be two Standard No. 8 (General Order 75-C) automatic signals, relocated as may be required to accommodate installation of the new spur track.

6. For a period not to exceed six months from the date of this order, protection at the Victoria Avenue crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered both sides on reflectorized white background.

7. No on-rail vehicle should operate over the Victoria Avenue 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.

8. Written instructions should be issued by the railroad to trainmen operating over the Victoria Avenue 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. Suitable signs should be installed on both sides of Victoria Avenue, calling the attention of trainmen to the flagging instructions. Flagging procedures outlined herein should remain in full force until the required automatic protection is installed and operative.

9. Construction cost of the crossings, any costs which may be incurred should relocation of the existing automatic protection be required at the Tippecanoe Avenue crossing, and installation costs of the automatic protection at the Victoria Avenue crossing should be borne by the applicant.

10. Maintenance of the crossings should be in accordance with General Order 72-B.

11. Maintenance cost of the automatic protection at the Victoria Avenue crossing should be borne by the applicant.

12. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

13. Kroeler Manufacturing Company, the industry to be served, has immediate need for rail service and, therefore, the usual 30-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. The Atchison, Topeka and Santa Fe Railway Company is authorized to construct a spur track at grade across Tippecanoe and Victoria Avenues in the City of San Bernardino, San Bernardino 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.

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 San Francisco, California, this 27th
day of JUNE, 1978.

William Symons Jr. President
Vernon L. Sturgeon
Richard D. Gaval
Clare T. Desnick Commissioners

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