

Decision No. 89087 JUL 11 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 lead track and spur track over Trade Street in the City of San Diego, County of San Diego, State of California)

Application No. 58077
(Filed May 18, 1978)

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company requests authority to construct a lead track and a spur track at grade across Trade Street in the City of San Diego, County of San Diego.

The proposed lead track and spur track will provide additional rail service to the Trepte Industrial Park which is located approximately twelve miles north of downtown San Diego in the Miramar industrial area. Applicant states that the industry to be served has immediate need for rail service and, therefore, requests that the usual thirty day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on May 19, 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 lead track and spur track at grade across Trade Street in the City of San Diego, San Diego County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 2-254.67-C.
2. Construction of the crossing 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 crossing should be two Standard No. 8-A automatic signals with cantilevers (General Order 75-C).

5. For a period not to exceed six months from the date of this order, protection at the 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.

No on-rail vehicle should operate over the 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.

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. Suitable signs should be installed on both sides of Trade Street, 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.

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

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

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

9. The industry to be served has immediate need for rail service and, therefore, the usual thirty-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 lead track and a spur track at grade across Trade Street in the City of San Diego, San Diego 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 11th day of JULY, 1978.

Robert Bateman
President

Richard D. Howell
Clair L. Smith
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

-3- Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.