

SD

Decision No. 20455 JUN 19 1979

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 CITY OF TUSTIN to construct a public )  
 street across a railroad of the )  
 Atchison, Topeka and Santa Fe Railway )  
 Company, at Dow Avenue, Tustin. )

Application No. 58247  
 (Filed July 19, 1978)

O P I N I O N

As part of the project for development of the Irvine Industrial Complex, the City of Tustin requests authority to construct Dow Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Tustin, Orange County.

The City of Tustin is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the City of Tustin approved the project. On March 25, 1974, a Notice of Determination was filed with the Orange County Clerk which found that "the subject project will have a significant effect on the environment, mitigated by imposed conditions of zone approval."

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

The construction of Dow Avenue across The Atchison, Topeka and Santa Fe Railway Company's tracks is part of the project for development of the approximately 315 acre Irvine Industrial Complex. The project site was formerly agricultural land but has now become one of the largest industrial complexes in the country.

The anticipated significant adverse effects on the environment are largely the result of anticipated increased vehicular and train traffic which will tend to increase noise and pollution levels and the noise generated by construction activities. Although pollution will be increased, it is anticipated that the increase will be insignificant on a regional basis. Noise levels will be increased; however, it is

anticipated that the projected noise levels will remain far below State adopted standards. The anticipated significant effects of construction activities are not expected to be critical and will be short term in nature.

Notice of the application was published in the Commission's Daily Calendar on July 25, 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 Dow Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Tustin, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-179.53-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 flashing light type 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 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 should place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

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.

Suitable signs should be installed on both sides of Dow Avenue, calling the attention of trainmen to the flagging instructions.

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 cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

9. Construction plans of the crossing, approved by The Atchison, Topeka and Santa Fe Railway Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

10. Applicant is the lead agency for the Irvine Industrial Complex pursuant to the California Environmental Quality Act of 1970, as amended.

11. The Commission is a responsible agency and has independently evaluated and assessed the lead agency's Environmental Impact Report.

12. The project to construct the Irvine Industrial Complex will have a significant effect on the environment; however, mitigation measures, imposed by conditions of the zone change approval, will either eliminate or reduce the severity of the impacts.

### C O N C L U S I O N

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 City of Tustin is authorized to construct Dow Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Tustin, 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.

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This authorization shall expire if not exercised within two years 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 shall be thirty days after the date hereof.

Dated at San Francisco, California this 19th  
day of JUNE, 1979.

John E. Guyon  
President  
George L. Stinson  
Robert D. Howell  
Charles J. DeLoach  
Donald W. Gunn  
Commissioners