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Decision No. 90947 OCT 23 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the  
 CITY OF GARDEN GROVE to construct a  
 public street across a railroad of the  
 Southern Pacific Transportation Company  
 at Hunt Avenue, Garden Grove.

Application No. 58452  
 (Filed November 3, 1978)

O P I N I O N

The City of Garden Grove requests authority to construct Hunt Avenue at grade across Southern Pacific Transportation Company's tracks in the City of Garden Grove, Orange County.

The City of Garden Grove 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 Initial Study, the City of Garden Grove issued a Negative Declaration and approved this project. On April 26, 1979, 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 also been inspected by the Commission staff.

The construction of Hunt Avenue across Southern Pacific Transportation Company's tracks will provide additional access, improve traffic circulation, and increase convenience to existing and projected developments in the area. The project site is in an area that is principally commercial and light manufacturing. Rail service is already being provided to some industrial facilities in the area.

Notice of the application was published in the Commission's Daily Calendar on November 7, 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 Hunt Avenue at grade across Southern Pacific Transportation Company's tracks in the City of Garden Grove, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing BAA-516.66-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 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 a 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 Hunt 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.
7. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.

8. Maintenance of the crossing should conform to 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 Southern Pacific Transportation 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 this project pursuant to the California Environmental Quality Act of 1970, as amended.

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

12. This project will have no significant impact on the environment.

### 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 Garden Grove is authorized to construct Hunt Avenue at grade across Southern Pacific Transportation Company's tracks 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.

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.

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The effective date of this order shall be thirty days after the date hereof.

Dated OCT 23 1979, at San Francisco, California.

Commissioner JOHN E. BRYSON

Present but not participating.

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

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President

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Commissioners