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91287 JAN 29 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The City of Costa Mesa to construct a
City Street across the Right of Way
of the Southern Pacific Transportation
Company at South Coast Drive

Application No. 58785
(Filed April 6, 1979)
(Amended May 31, 1979)

O P I N I O N

The City of Costa Mesa requests authority to construct South Coast Drive at grade across Southern Pacific Transportation Company's tracks in the City of Costa Mesa, Orange County.

The City of Costa Mesa 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 Costa Mesa issued a Negative Declaration and approved this project. On November 1, 1979, a Notice of Determination was filed with the Orange County Clerk which found that "Mitigation of potential impact required. Erosion - siltation control plan required to avoid degrading water quality. Agreement with the State Department of Fish and Game required to prevent wildlife impacts."

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 South Coast Drive 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 agricultural. Rail service is already being provided to industrial facilities in the area. Although the Initial Study found that this project could have a significant effect on the environment, it was determined that there will not be a significant effect in this case because of the mitigation measures which have been adopted.

Notice of the application was published in the Commission's Daily Calendar on April 9, 1979. 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 South Coast Drive at grade across Southern Pacific Transportation Company's tracks in the City of Costa Mesa, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing BK-523.9-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 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 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 fusees 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 South Coast Drive, calling the attention of trainmen to the flagging instructions. The flagging procedures outlined herein should remain in full force until the required protection is installed and operative.

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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 Costa Mesa is authorized to construct South Coast Drive at grade across Southern Pacific Transportation Company's tracks in the City of Costa Mesa, 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.

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

Dated JAN 29 1980, at San Francisco, California.

John G. Byron
President

Vernon L. Stangen

Robert O. Howell

[Signature]
Commissioners

Commissioner Claire E. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.