

SD

Decision No. 91290 - JAN 29 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA
AND SANTA FE RAILWAY COMPANY for
Authority to Construct, Maintain and
Operate a Spur Track Across Kimberly
Avenue in the City of Fullerton,
County of Orange, State of California.)

Application No. 59302
(Filed November 26, 1979)

O P I N I O N

As part of the project for the division of industrial land on the west side of Placentia Avenue into five parcels, The Atchison, Topeka and Santa Fe Railway Company requests authority to construct a spur track at grade across Kimberly Avenue in the City of Fullerton, Orange County.

The City of Fullerton 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 Fullerton issued a Negative Declaration and approved the project. On October 31, 1979, a Notice of Determination was filed with the Orange County Clerk which found that "The project will have no significant adverse effect."

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 project area consists of approximately 28 acres of land which has been divided into five parcels to provide suitable sites for continued industrial development. The proposed spur track will provide rail service to a large new plant which The Quaker Oats Company is planning to construct on one of the parcels resulting from the land division.

Applicant advises that The Quaker Oats Company has an immediate need for construction and operation of the proposed spur track. It is, therefore, requested that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on November 28, 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 a spur track at grade across Kimberly Avenue in the City of Fullerton, Orange County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 2-167.77-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 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 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 Kimberly Avenue, calling the attention of trainmen to the flagging instructions. The 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.

9. The City of Fullerton is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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

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

12. The Quaker Oats Company, the industry to be served, has an immediate need for construction and operation of the proposed spur track; and therefore the usual thirty-day waiting period should be waived.

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 Atchison, Topeka and Santa Fe Railway Company is authorized to construct a spur track at grade across Kimberly Avenue in the City of Fullerton, 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 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.

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The effective date of this order is the date hereof.

Dated JAN 29 1980, at San Francisco, California.

John E. Bryan
President

Vernon L. Stevenson

Charles D. Hoyle

Lawrence J. Quinn
Commissioners

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