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ORIGINAL

Decision No. 92592 JAN 6 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
The City of Hemet to construct a )  
City Street across the Right of Way )  
of the Atchison, Topeka and Santa Fe )  
Railroad (sic) Company at Acacia )  
Avenue in the West Hemet area. )

Application No. 59984  
(Filed October 2, 1980)

O P I N I O N

The City of Hemet requests authority to construct Acacia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's San Jacinto Branch Line in the City of Hemet, Riverside County.

The City of Hemet is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq. After preparation and review of an Initial Study, the City of Hemet issued a Negative Declaration and approved the project. On September 18, 1980, a Notice of Determination was filed with the Riverside 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 been inspected by the Commission staff.

The project will extend Acacia Avenue from Palm Avenue to Hamilton Avenue across The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Hemet. This will provide additional access, improve circulation and increase convenience to existing and projected developments west of the proposed crossing.

Notice of the application was published in the Commission's Daily Calendar on October 7, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct Acacia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's San Jacinto Branch Line in the City of Hemet, Riverside County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2X-35.4.
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. 9 automatic gate-type signals (General Order 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.
6. 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.
7. 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.
8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
9. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
10. This project will have no significant impact on the environment.

Conclusion of Law

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 Hemet is authorized to construct Acacia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's San Jacinto Branch Line in the City of Hemet, Riverside 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 6 1981, at  
San Francisco, California.

John E. Byron  
President  
Richard W. Stoddy  
Lawrence M. Smith

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Commissioners