

Decision 93344 JUL 22 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The City of Santa Ana to construct a City Street across the Right of Way of the Southern Pacific Transportation Company at Juniper Avenue.

Application 60237
(Filed February 4, 1981)

O P I N I O N

As part of the project to extend Juniper Avenue from Susan Street to Harbor Boulevard, the City of Santa Ana requests authority to construct Juniper Avenue at grade across Southern Pacific Transportation Company's (SPT) tracks in Santa Ana, Orange County.

The City of Santa Ana is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, the City of Santa Ana issued a Negative Declaration and approved the project. On May 19, 1981, 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 been inspected by the Commission staff.

The project will extend Juniper Avenue westward from Susan Street to Harbor Boulevard. This will provide additional access, improve traffic circulation, and increase convenience for the industrial development which is located between SPT's tracks and Susan Street.

By motion filed March 25, 1981, SPT requested that it be permitted to late-file a protest to Application (A.) 60237. On March 30, 1981, SPT's proposed protest to A.60237 was filed with the Commission. SPT's motion to permit late-filing of its protest was granted by Examiner's Ruling dated April 15, 1981.

In its protest, SPT alleged that the four Standard No. 8 flashing-light signals proposed by applicant as crossing protection were inadequate in light of expected future growth and the anticipated uses of the crossing. In the opinion of SPT, two Standard No. 9 automatic gate-type signals are required as crossing protection to meet the needs of public safety.

SPT also objected to applicant's request that a temporary "stop and flag" procedure be established to permit opening of the crossing prior to installation of the automatic crossing protection devices. In the opinion of SPT, such a procedure would not adequately protect the public and, therefore, the crossing should not be opened prior to installation of the required automatic protection devices.

By letter of March 31, 1981, to the Commission, applicant agreed to the crossing protection proposed by SPT and withdrew its request for a temporary "stop and flag" procedure to permit opening of the crossing prior to installation of the automatic protection devices. Accordingly, SPT filed its Withdrawal of Protest on May 11, 1981.

There are no unresolved protests to the application.

A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (FU) Code Sections 1201-1205 to construct Juniper Avenue at grade across SPT's tracks in Santa Ana, Orange County.

2. The proposed crossing is required to provide additional access, improve traffic circulation, and increase convenience for an industrial development.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Applicant is the lead agency for this project under CEQA, as amended.

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

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

Conclusion of Law

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 Santa Ana is authorized to construct Juniper Avenue at grade across Southern Pacific Transportation Company's (SPT) tracks in Santa Ana, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing EK-523.4-C.

2. Construction of the crossing shall be equal or superior to Standard No. 2 of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

4. Protection at the crossing shall 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 shall be borne by applicant.

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under FU Code Section 1202.2.

7. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion, under 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.

This order becomes effective 30 days from today.

Dated JUL 22 1981, at San Francisco, California.

John E. Bayne
President

Robert W. Gooch

Leonard W. Harris

Victor Calvo

Presulla C. Green
Commissioners

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