

Decision No. 85050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the COUNTY OF ORANGE to construct a)
 County Road at separated grades over)
 the main line of the Atchison, Topeka)
 and Santa Fe Railway Company at Los)
 Alisos Boulevard in the El Toro Area.)

ORIGINAL

Application No. 55795
 (Filed July 7, 1975)

O P I N I O N

As part of the Aliso Creek Channel and Los Alisos Boulevard Improvements Project, the County of Orange requests authority to construct a crossing at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in the El Toro Area of Orange County.

The County of Orange is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. By Resolution No. F-73-15, dated March 27, 1973, the Board of Supervisors of the Orange County Flood Control District accepted and adopted an Environmental Impact Report and approved the Aliso Creek Channel and Los Alisos Boulevard Improvements Project.

The Environmental Impact Report adopted by the County of Orange notes that the road improvement projects will create a variety of adverse impacts on the environment. Mitigation measures are recommended which should minimize these potentially adverse impacts. It is anticipated that the road improvement projects will also create a long-term beneficial impact on a local and regional scale by improving surface transportation to make travel by automobile faster, safer and more convenient.

Notice of the application was published in the Commission's Daily Calendar on July 10, 1975. 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 the Los Alisos Boulevard Overhead over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in the El Toro Area of Orange County at the location and substantially as shown by plans attached to the application.
2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.
3. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties.
4. The Commission has considered the applicant's Environmental Impact Report in rendering its decision on this project and finds that the benefits of the project involved in this proceeding outweigh any adverse effects and that it should be approved in view of the public benefits to be derived.

C O N C L U S I O N S

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 County of Orange is authorized to construct a new grade separation structure to be known as the Los Alisos Boulevard Overhead, over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in the El Toro Area of Orange County at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 2-188.6-A.
2. Clearances shall be in accordance with General Order No. 26-D. Walkway areas shall conform to General Order No. 118.

3. Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing approved by The Atchison, Topeka and Santa Fe Railway Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

5. 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 three 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 twenty days after the date hereof.

Dated at San Francisco, California, this 28th
day of OCTOBER, 1975.

[Signature] President
William J. Lyons
Vernon L. Stinger
Leonard J. [Signature]
[Signature] Commissioners