

ORIGINAL

Decision No. 85828

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Huntington)
Beach to construct a grade separation)
of Ellis Ave. under the Southern }
Pacific Transportation Company's }
Stanton-Huntington Beach Branch Line }
in the City of Huntington Beach. }

Application No. 56238
(Filed January 27, 1976)

O P I N I O N

The City of Huntington Beach requests authority to construct a new grade separation of Ellis Avenue under the tracks of the Southern Pacific Transportation Company's Stanton-Huntington Beach Branch in the City of Huntington Beach, Orange County.

The priority list of grade separation projects for the fiscal year 1975-76, as set forth in Decision 84530, shows this project as Priority 103.

The City of Huntington Beach is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. After review of the Negative Declaration, the City Council of the City of Huntington Beach approved the project and on March 31, 1976 filed a Notice of Determination with the Orange County Clerk which found "That the project will not have a significant (substantial adverse) effect on the physical environment".

Notice of the application was published in the Commission's Daily Calendar on February 2, 1976. 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 Ellis Avenue at separated grades under the tracks of the Southern Pacific Transportation Company's Stanton-Huntington Beach Branch in the City of Huntington Beach, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BAA-522.11-B.

2. Clearances should be in accordance with General Order 26-D.

3. Walkway areas should conform to General Order 118. Walkway areas adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs should 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 the crossing approved by the Southern Pacific Transportation Company, should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on January 21, 1975 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

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 City of Huntington Beach is authorized to construct Ellis Avenue at separated grades under the tracks of the Southern Pacific Transportation Company's Stanton-Huntington Beach Branch in the City of Huntington Beach, 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 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 18th
day of MAY, 1976.

[Signature]
President
William S. Lyons, Jr.
Vernon L. Sturgeon
[Signature]
Robert B. [Signature]
Commissioners