

Decision No. 85965

ORIGINAL

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 widening at separated
grades over the main line of The
Atchison, Topeka and Santa Fe Railway
Company at Alicia Parkway, in the El
Toro area. }

Application No. 56343
(Filed March 18, 1976)

O P I N I O N

The County of Orange requests authority to widen the existing grade separation of Alicia Parkway over the main line of The Atchison, Topeka and Santa Fe Railway Company in the El Toro area of 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 36.

The County of Orange is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. After review of the Negative Declaration, the Orange County Board of Supervisors approved the project and on May 17, 1976 filed a Notice of Determination with the Clerk of Orange County which determined that: "There will be no significant adverse environmental effects resulting from the project".

Notice of the application was published in the Commission's Daily Calendar on March 24, 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 widen the existing grade separation of Alicia Parkway over the main line of The Atchison, Topeka and Santa Fe Railway Company in the El Toro area, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of ~~existing~~ Crossing 2-189.3-A.

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 Atchison, Topeka and Santa Fe Railway 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 March 23, 1976 approved its final Negative Declaration which has been filed with the Commission. The Commission has considered the final 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 County of Orange is authorized to widen the existing grade separation of Alicia Parkway over the main line of The Atchison, Topeka and Santa Fe Railway Company in the El Toro area, Orange County, as set forth in the findings of this decision.

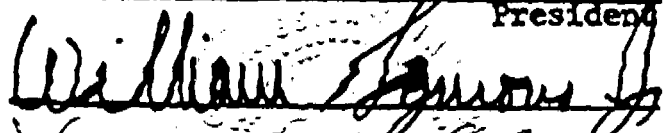
2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.


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 15th day of JUNE, 1976.



President


William J. Stinson


Robert R. Stinson

Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.