

Decision No. 86100

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the  
COUNTY OF ORANGE to establish a Public  
Bicycle Trail under the existing Southern  
Pacific Transportation Company Railroad  
Bridge Crossing of the Santa Ana River  
North of Katella Avenue in the city of  
Orange.

} Application No. 56344  
(Filed March 18, 1976)

O P I N I O N

The County of Orange requests authority to establish a public bicycle trail under the existing bridge over the Santa Ana River on the Tustin Branch of the Southern Pacific Transportation Company in the City of Orange, Orange County.

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 March 11, 1976 filed a Notice of Determination with the Orange County Clerk which found: "That the proposed project cannot or will not, have a significant effect on the environment."

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 establish a public bicycle trail under the existing bridge over the Santa Ana River on the Tustin Branch of the Southern Pacific Transportation Company in the City of Orange, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing RM-513.57-BD.

2. 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.

3. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on January 20, 1976 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 County of Orange is authorized to establish a public bicycle trail under the existing bridge over the Santa Ana River on the Tustin Branch of the Southern Pacific Transportation Company in the City of Orange, 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 13th  
day of JULY, 1976.

President  
William L. ...  
Vernon L. ...  
Leonard ...  
Robert Bateman  
Commissioners