

Decision No. 86109**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Irvine, )  
 a municipal corporation, to con- )  
 struct an interim grade separation ) Application No. 56485  
 bikeway and bridge across the ) (Filed May 17, 1976)  
 Atchison, Topeka & Santa Fe )  
 Railway Right of Way within the )  
 City of Irvine )

O P I N I O N

The City of Irvine requests authority to construct an interim bikeway crossing at separated grades over the main line of The Atchison, Topeka and Santa Fe Railway Company at Yale Avenue in the City of Irvine, Orange County.

The City of Irvine is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended, and on April 18, 1975 filed a Negative Declaration with the Orange County Clerk.

A large school site is currently being developed southwest of the proposed interim bikeway crossing. In order that the crossing may be available for the use of students when school opens in September, the City of Irvine has requested that the usual 20-day waiting period be waived so that construction may be commenced at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on May 19, 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 an interim bikeway crossing at separated grades over the main line of The Atchison, Topeka and Santa Fe Railway Company at Yale Avenue in the City of Irvine, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-181.0-AD.

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 April 10, 1975 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration 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.

6. The City of Irvine should file its Notice of Determination approving the project with the Commission prior to commencing construction.

7. In view of applicant's need to commence construction of the project at the earliest possible date, the usual 20-day waiting period should be waived.

#### 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 Irvine is authorized to construct an interim bikeway crossing at separated grades over the main line of The Atchison, Topeka and Santa Fe Railway Company at Yale Avenue in the City of Irvine, 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 is the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of JULY, 1976.

  
President  
William J. Sproule  
Vernon L. Sturgeon  
Moss  
Robert B. McDaniel  
Commissioners