

Decision 84 05 094

MAY 16 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the County of Orange for an Order)
 Authorizing the Widening of an)
 Existing Overpass Grade Crossing)
 over THE ATCHISON, TOPEKA & SANTA FE)
 RAILWAY COMPANY tracks at Paseo de)
 Colinas in the County of Orange)

Application 83-11-40
(Filed November 18, 1983)

O P I N I O N

The County of Orange (County) requests authority to convert the existing private Paseo de Colinas Overhead to a public grade separation over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Orange County. The overhead is also proposed to be widened.

The proposed conversion and widening of the Paseo de Colinas Overhead is part of a project to develop a 199.8-acre parcel of land with 491 housing units, named Colinas de Capistrano, located west of Interstate Route 5 in the vicinity of the City of San Juan Capistrano, Orange County. The widening and conversion of the overhead to a public crossing will facilitate and improve the flow of vehicular traffic to the Colinas de Capistrano Development.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Environmental Impact Report (EIR), County approved the project. On September 10, 1981 a Notice of Determination was filed with the Orange County Clerk which found that "the project would have a significant impact on the environment." However, no significant impacts were found to be specifically associated with the proposed conversion and widening of the existing grade separation.

Major impacts of the project include alteration of existing landforms, increases in pollutants, noise, traffic and generation of wastewater. Mitigation measures include landscaping, providing public transportation, erecting sound barriers, and practicing water conservation measures.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on November 22, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to widen and convert the existing private Paseo de Colinas Overhead to a public grade separation over the tracks of AT&SF's main line near San Juan Capistrano, Orange County.

2. Public convenience, necessity and safety require the widening and conversion of the Paseo de Colinas Overhead from a private to a public grade separation.

3. County is the lead agency for this project under CEQA, as amended.

4. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

5. The Colinas de Capistrano housing development project will have a significant effect on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts to acceptable levels.

6. The EIR identifies no significant environmental impact that will be caused by conversion of the existing grade separation to a public crossing.

Conclusion of Law

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 (County) is authorized to widen and convert the existing private Paseo de Colinas Overhead to a public grade separation over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line near San Juan Capistrano, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-193.9-A.

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

3. Walkways shall conform to General Order 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly 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. A copy of the agreement, together with plans of the crossing approved by AT&SF, shall 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. A copy of the agreement by the County accepting the conversion of the grade separation from private to public status shall also be filed with the Commission.

5. Within 30 days after completion of the work under this order, County shall notify the Commission in writing that the authorized work has been completed.

6. The application is granted as set forth above.

This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 16 1984, at San Francisco, California.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE
COMMISSION

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
Commissioners

Joseph E. ... Executive Director

Commissioner William T. Bagley
being necessarily absent, did
not participate.

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