

Decision 87 12 021 DEC 9 1987

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
County of Riverside to construct Bikeway, )  
a public bike path, across the railroad ) Application 87-04-060  
tracks of the Santa Fe Railway Company, ) (Filed April 28, 1987)  
in the vicinity of the City of Riverside, ) (Amended September 4, 1987)  
County of Riverside )

OPINION

The County of Riverside (County) requests authority to construct a bikeway path, both eastbound and westbound, on each side of Magnolia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Bernardino to Fullerton mainline near the City of Riverside, Riverside County.

The proposed bikeway crossings will provide a safer perpendicular crossover for approaching bikers and will eliminate the need to cross the acute 15 degree angle at the existing Magnolia Avenue crossings, both eastbound and westbound. The installation of rubberized crossing material will also add to the safety of the crossings.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. County has determined that the project is categorically exempt from CEQA under Section 15304 (h) of the CEQA Guidelines (14 Cal. Admin. Code-Div. 6). Section 15304 applies to activities involving the minor alterations to land with subsection (h) being applicable to the creation of bicycle paths on existing rights-of-way.

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

To improve the riding quality and durability of the crossings, County requests an exemption from General Order (GO) 72-B to permit the installation of rubber grade crossing surfaces, which crossing surface is not included within the standards of GO 72-B. Since there appears to be ample justification for the installation of a rubber crossing surface in this instance, an exemption from GO 72-B to permit the installation will be granted.

Notice of the application and amendment were published in the Commission's Daily Calendar on May 1, 1987 and September 10, 1987 respectively. The site of proposed project has been inspected by the Commission staff.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct a bikeway path, both eastbound and westbound at Magnolia Avenue on each side of the roadway across the tracks of AT&SF's San Bernardino to Fullerton Main line near the City of Riverside, Riverside County.

2. Construction of the crossings (eastbound and westbound) is required to provide a perpendicular crossing (90 degrees) for approaching bikers and thus materially enhance crossing safety at both locations on Magnolia Avenue.

3. Public convenience and necessity require construction of the bikeway crossings.

4. Public safety requires that protection at the crossings be two Standard No. 8 automatic flashing light signals (one signal for eastbound bikers and one signal for westbound bikers) modified with signs similar to Standard No. 1-D (General Order (GO) 75-C).

5. The public and the railroad will benefit from installation of a rubber crossing surface at the proposed crossings.

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

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

3. An exemption from GO 72-B should be granted to permit installation of a rubber grade crossing surface at the crossing.

ORDER

IT IS ORDERED that:

1. The County of Riverside (County) is authorized to construct a bikeway path, both eastbound and westbound on each side of Magnolia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Bernardino to Fullerton main line, at the locations and substantially as shown by plans attached to the application identified as Crossing 2B-20.30 (eastbound) and Crossing 2B-20.35 (westbound).

2. County is granted an exemption from GO 72-B to permit installation of a rubber grade crossing surface at the crossings.

3. Construction of the crossings shall be in accordance with the provisions of GO 72-B except that a rubber grade crossing surface shall be installed.

4. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

5. Protection at the crossings shall be two Standard No. 8 automatic flashing light signals (one signal for eastbound and one signal for westbound) modified with a sign similar to Standard No. 1-D (GO 75-C).

6. The sign similar to Standard No. 1-D of GO 75-C shall be modified to state that the crossing is for use by "Pedestrians and Bicyclists Only."

7. Construction expense of the crossing and installation cost of the signals shall be borne by County.

8. Maintenance of the crossing shall conform to GO 72-B.

9. Construction plans of the crossing, approved by AT&SF together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

10. 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.

11. This authorization shall expire if not exercised within two 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.

12. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated DEC 9 - 1987, at San Francisco, California

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
C. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Victor Weiss, Executive Director