

Decision 83 03 054 MAR 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)	
The City of Irvine to construct)	
a City Street over the Right of)	
Way of the Atchison, Topeka and)	Application 82-12-28
Santa Fe Railway at Yale Avenue.)	(Filed December 10, 1982)
_____)		

O P I N I O N

The City of Irvine (City) requests authority to construct Yale Avenue at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Irvine, Orange County.

The priority list of grade separation projects for fiscal year 1982-83, as set forth in Decision 82-06-053, dated June 15, 1982, shows this project as Priority No. 18.

City 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, City approved the project. On February 23, 1983, a Notice of Determination was filed with the Orange County Clerk and the Secretary for Resources which found that the project "will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The proposed site is located west of Jeffrey Road and north of Irvine Center Drive within the City of Irvine. The overcrossing project will complete the connection of Yale Avenue between Deerfield Avenue on the south and Winvale Avenue on the north. The extension of Yale Avenue and the construction of a vehicular overcrossing of AT&SF's tracks represent an arterial link in City's circulation system as embodied by the City of Irvine General Plan.

Notice of the application was published in the Commission's Daily Calendar on December 15, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Yale Avenue at separated grades over the tracks of AT&SF's main line in Irvine, Orange County.
2. Construction of the overcrossing is required to improve vehicular circulation by completing the link in Yale Avenue, resulting in a continuous roadway from Walnut Avenue on the north to Irvine Center Drive on the south.

3. As part of the vehicular overcrossing project, the existing temporary timber pedestrian and bicycle overcrossing at Yale Avenue, Crossing 2-181.3-AD, should be removed.

4. Public convenience, necessity and safety require construction of the Yale Avenue overcrossing.

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Environmental Impact Report.

7. The project will have no significant impact on the environment.

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 City of Irvine (City) is authorized to construct Yale Avenue at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Irvine, Orange County, at the location and substantially as shown on plans attached to the application, to be identified as Crossing 2-181.3-A.

2. As part of the vehicular overcrossing project, the existing temporary timber pedestrian and bicycle overcrossing at Yale Avenue, Crossing 2-181.3-AD, shall be removed.

3. Clearances shall be in accordance with General Order 26-D. Walkways shall conform to General Order 118.

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.

5. Within 30 days after completion of the work under this order, City shall notify the Commission in writing of the completion of the work authorized.

A.82-12-28 T/RWS/TCG/WPSC

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.

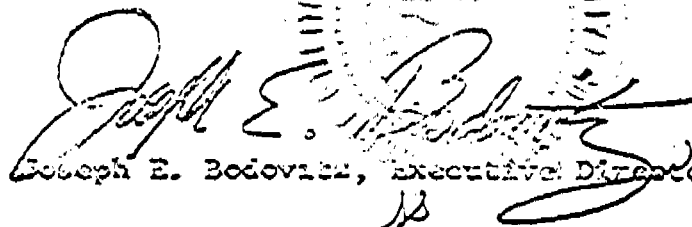
This order becomes effective 30 days from today.

Dated MAR 16 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director