

ORIGINAL

Decision 83 03 055 MAR 16 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Irvine )  
for the construction of a grade )  
separation of Bake Parkway, a )  
newly proposed public street, )  
over the railroad tracks of The )  
Atchison, Topeka and Santa Fe )  
Railway Company in the City of )  
Irvine, County of Orange. )

Application 82-11-50  
(Filed November 26, 1982)

O P I N I O N

As part of the project for development of the Irvine Industrial Complex-East, the City of Irvine (City) requests authority to construct Bake Parkway 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 82-06-53, dated June 15, 1982, shows this project as Priority No. 2.

The construction of Bake Parkway at separated grades over the tracks of AT&SF'S main line is part of the project for development of the approximately 2,058-acre Irvine Industrial Complex-East. The industrial park is planned for research and development, light manufacturing, medium manufacturing, warehousing and

distribution, and office-professional activities associated with industrial uses. The area being developed is bounded by the foothills of the Lomas De Santiago on the north, by the El Toro Marine Corps Air Station and AT&SF on the northwest and west, by the Santa Ana Freeway on the south and by the Irvine Ranch boundary and El Toro on the east.

The Irvine Industrial Complex-East will have a variety of natural and cultural impacts on the environment, both beneficial and adverse. Adverse impacts have been adequately addressed in the EIR with appropriate mitigation measures provided where deemed necessary. In addition to the project EIR, City has prepared an Environmental Analysis for the Bake Parkway Grade Separation Project. After review of the Environmental Analysis, City's planning staff determined that the grade separation project had been adequately considered in the development EIR and that no additional EIR need be prepared.

A portion of the northerly approach roadway is within the unincorporated territory of Orange County. City and County have executed a cooperative agreement for construction of the grade separation project.

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 (EIR) in 1974, City approved the zoning changes necessary for development of Irvine Industrial Complex-East. On January 21, 1975, 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 grade separation.

In 1979, the City again reviewed the environmental impacts associated with development of Phase II of the project. Phase II involves development of the northeast portion of the project including the Bake Parkway grade separation. The City found that there would be no significant environmental impact associated with this phase of the project which had not been adequately considered and mitigated by prior decisions of the City and other agencies. Accordingly, the City issued a negative declaration with respect to Phase II development. Before submitting this application, the City's planning staff again reviewed the possible environmental impacts of this grade separation and concluded that such impacts had already been studied adequately in the EIR and the analysis for the negative declaration, and that after the mitigation measures already adopted, there would be no significant impact on the environment.

As a responsible agency under CEQA, the Commission has reviewed the EIR and the negative declaration. The Commission concurs with the findings of the City that approval of the grade separation will not result in a significant environmental impact which has not been or will be mitigated by the lead agency or other responsible agencies.

Notice of the application was published in the Commission's Daily Calendar on December 1, 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 Bake Parkway at separated grades over the tracks of AT&SF'S main line in Irvine, Orange County.
2. Construction of the proposed overpass is required to provide improved vehicular access to portions of the Irvine Industrial Complex-East as well as to reduce vehicular traffic delay to the adjacent Lake Forest residential area.
3. Public convenience, necessity, and safety require construction of the proposed overpass.
4. City is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's certified EIR.

6. The Irvine Industrial Complex-East development project will have a significant effect on the environment; however, the mitigation measures that have been or will be adopted by the City and other responsible agencies will either eliminate or reduce the severity of the adverse impacts to acceptable levels.

7. The EIR identifies no significant environmental impact that will be caused by construction of this grade separation.

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 Bake Parkway 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 by plans attached to the application, to be identified as Crossing 2-186.5-A.

2. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 22' - 0" above top of rail shall be authorized and AT&SF shall be authorized to operate with such

reduced overhead clearance provided that such instructions are issued by AT&SF and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

3. City shall notify the Commission and AT&SF at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. 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.

5. 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's Transportation Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. 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.82-11-50 T/RWS/SR/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.

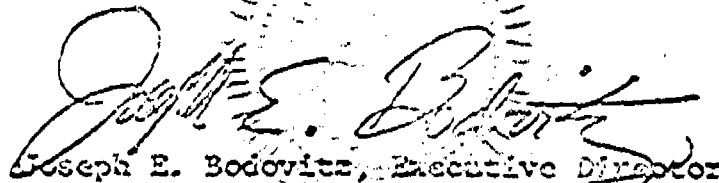
This order becomes effective 30 days from today.

Dated MAR 16 1983, at San Francisco, California.

LEONARD M. CRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director