

**ORIGINAL**

Decision No. 83 11 083 NOV 22 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of the CITY OF TUSTIN to construct )  
a City Street over the Right- )  
of-Way of The Atchison, Topeka )  
and Santa Fe Railway Company at )  
Myford Road. )

Application 83-06-53  
(Filed June 24, 1983)

O P I N I O N

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

The proposed overcrossing is part of a project for the construction of a four-lane roadway between the Santa Ana Freeway (Interstate Route 5) on the north and Moulton Parkway on the south. The extension of Myford Road and the construction of a vehicular overcrossing of AT&SF's tracks represent an arterial link in the City's circulation system as embodied in the City of Tustin General Plan.

City 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. City has

determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.<sup>1/</sup>

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination. 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 June 28, 1983. 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 Myford Road at separated grades over the tracks of AT&SF's main line in Tustin, Orange County.
2. Construction of the Myford Road overcrossing is required to improve vehicular circulation between the Santa Ana Freeway and Moulton Parkway.
3. Public convenience, necessity, and safety require construction of the Myford Road overcrossing.
4. City is the lead agency for this project under CEQA, as amended.

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<sup>1/</sup> Section 21080.13 was added to the PR Code by Chapter 58, Statutes 1982, as an urgency statute effective February 18, 1982.

5. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's categorical exemption determination.

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

7. 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.

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 Tustin (City) is authorized to construct Myford Road at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Tustin, Orange County, at the location and substantially as shown on plans attached to the application, to be identified as Crossing 2-179.7-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 promptly be 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 which has been entered into between the parties. A copy of the agreement is attached to the application as Exhibit C. Plans of the crossing, approved by AT&SF, shall be filed with the Commission prior to commencing construction.

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

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.

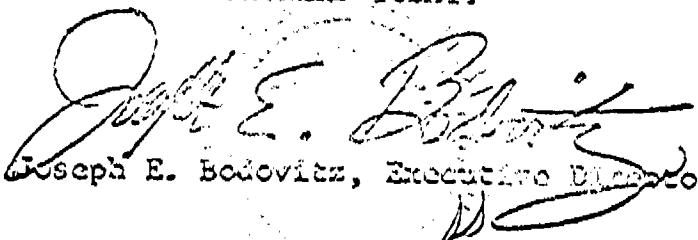
This order becomes effective 30 days from today.

Dated NOV 22 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
WILLIAM T. BAGLEY  
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

  
Joseph E. Bodovitz, Executive Director