

ORIGINAL

Decision No. SS000 NOV 6 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the COUNTY OF ORANGE to con-)
struct a County road widening at)
separated grades over the main)
line of The Atchison, Topeka and)
Santa Fe Railway Company at Crown)
Valley Parkway, in the Capistrano)
area.)

Application No. 57195
(Filed April 1, 1977)

O P I N I O N

The County of Orange requests authority to widen the existing grade separation of Crown Valley Parkway (Crossing 2-193.1-A) over the main line of The Atchison, Topeka and Santa Fe Railway Company in the Capistrano area of Orange County.

The priority list of grade separation projects for the fiscal year 1977-1978, as set forth in Decision 87496, shows this project as Priority Number 5.

The County of Orange is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the Orange County Board of Supervisors approved the project and on Sept. 28, 1977 filed a Notice of Determination with the Orange County Clerk which found that "The project, in its approved form, will not have a significant effect on the environment".

Notice of the application was published in the Commission's Daily Calendar of April 5, 1977. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to widen the existing grade separation of Crown Valley Parkway over the main line of The Atchison, Topeka and Santa Fe Railway Company in the Capistrano area of Orange County, at the location and substantially as shown by the plans attached to the application, identified as Crossing 2-193.1-A.

2. Clearances should be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21'0" above top of rail should be authorized and The Atchison, Topeka and Santa Fe Railway Company should be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars.

3. Applicant should notify the Commission and The Atchison, Topeka and Santa Fe Railway Company at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created.

4. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by The Atchison, Topeka and Santa Fe Railway Company should 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.

6. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on August 1, 1975 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is significant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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 is authorized to widen the existing grade separation of Crown Valley Parkway over the main line of The Atchison, Topeka and Santa Fe Railway Company in the Capistrano area of Orange County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of NOVEMBER, 1977.

Robert Batinaich
President
William S. Quinn, Jr.
Vernon L. Sturgeon
Clifford D. Howell

Commissioners

Commissioner Claire E. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.