

Decision No. 88524 FEB 22 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the EAST BAY REGIONAL)
 PARK DISTRICT for an order authorizing)
 construction of a pedestrian overcrossing) Application No. 57584
 at separated grades of the Atchison,) (Filed September 20, 1977)
 Topeka & Santa Fe Railway Company on a)
 proposed grade between portions of George)
 Miller Jr. Regional Shoreline)

O P I N I O N

The East Bay Regional Park District requests authority to construct a pedestrian crossing at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company between portions of the George Miller Jr. Regional Shoreline in the City of Richmond, Contra Costa County.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the Board of Directors of the East Bay Regional Park District approved the project and on May 21, 1976 filed a Notice of Determination with the Contra Costa County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on September 22, 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 construct a pedestrian crossing at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company between portions of the George Miller Jr. Regional Shoreline in the City of Richmond, Contra Costa County,

to be identified as Crossing 2-1190.9-AD, at the location and substantially as shown by the plans attached to the application.

2. Clearances should be in accordance with General Order 26-D.

3. Walkways should conform to General Order 118. Walkways adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

4. In addition to the vertical fencing to be installed on the overhead structure, as shown by the plans attached to the application, enclosed fencing should be installed on the center 50 feet of the structure, i.e. 25 feet each side of the centerline of the railroad's tracks.

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 May 18, 1976 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the final EIR and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- 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 East Bay Regional Park District is authorized to construct a pedestrian crossing at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company between portions of George Miller Jr. Regional Shoreline in the City of Richmond, Contra Costa 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 22nd day of FEBRUARY, 1978.

President

Vernon L. Sturgis

John D. Smith

Clair T. D. Smith
Commissioners

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.

-3- Commissioner William Simons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.