SD

Decision No. __90111__ ¦ MAR 27 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the CITY OF LOS ANGELES, a)
municipal corporation, to alter)   Application 58429
and improve the existing grade)   (Filed October 20, 1978)
separation of Daly Street and)
Southern Pacific Transportation)   (Amended November 21, 1978)
Company's El Paso Line Tracks)

O P I N I O N

The City of Los Angeles requests authority to alter and improve the existing grade separation of Daly Street over the tracks of Southern Pacific Transportation Company's El Paso Main Line in the City of Los Angeles, Los Angeles County.

The priority list of grade separation projects for the fiscal year 1978-79, as set forth in Decision No. 88956, shows this project as Priority Number 2.

The City of Los Angeles is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended (CEQA). This project is categorically exempt from the requirements of CEQA pursuant to Article VII, Section 1-b of the City of Los Angeles CEQA guidelines. The cited section provides for the exemption of Class 2 Activities - Replacement or Reconstruction.

This Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's finding.

Notice of the application and amendment was published in the Commission's Daily Calendar on October 25 and November 27, 1978, respectively. 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 alter and improve the existing grade separation of Daly Street over the tracks of Southern Pacific Transportation Company's El Paso Main Line in the City of

-1-

Los Angeles, Los Angeles County, at the location and substantially as shown by plans attached to the application, identified as Crossing B-483.26-A.

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

3. Walkway areas should conform to General Order 118. Walkway areas 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. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto. A copy of the agreement, together with plans of the crossing approved by the Southern Pacific Transportation 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.

5. This project is categorically exempt from the requirements of CEQA pursuant to Article VII, Section 1-b of the City of Los Angeles CEQA guidelines.

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 City of Los Angeles is authorized to alter and improve the existing grade separation of Daly Street over the tracks of Southern Pacific Transportation Company's El Paso Main Line in the City of Los Angeles, Los Angeles 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.
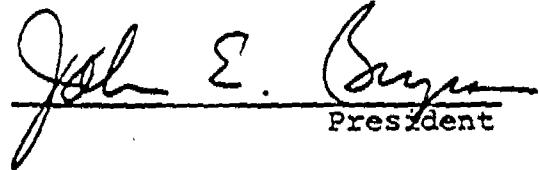
This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with.
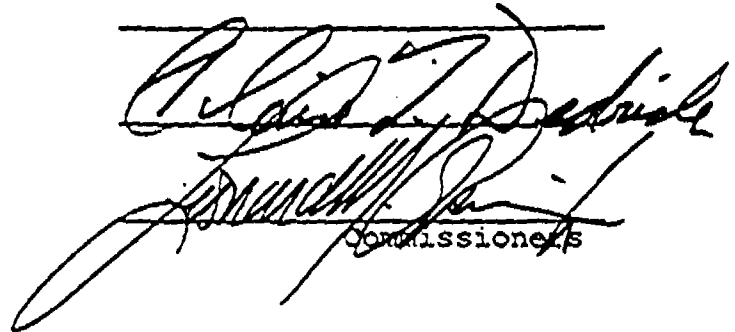
Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at _____ San Francisco _____, California, this __27th__ day of _____ MARCH _____, 1979.

John E. Bryson
President

[signature]

[signature]
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.