

Decision No. 90132 ; MAR 27 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY OF)
 LOS ANGELES for the construction)
 of a grade separation of Eastern)
 Avenue under The Atchison, Topeka)
 and Santa Fe Railway Company's)
 Main Line, Crossing No. 2-147.3,)
 in the City of Commerce, County)
 of Los Angeles)

Application No. 58430
 (Filed October 23, 1978)

O P I N I O N

The County of Los Angeles requests authority to construct Eastern Avenue at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Commerce, Los Angeles County.

The priority list of grade separation projects for the fiscal year 1978-79, as set forth in Decision 88956, shows this project as Priority No. 6.

The County of Los Angeles is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study the County of Los Angeles issued a Negative Declaration and approved the project. On March 14, 1979, a Notice of Determination was filed with the Los Angeles County Clerk which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has also been inspected by the Commission staff.

Eastern Avenue, a major north-south arterial in the City of Commerce, is heavily congested where it crosses the railroad tracks at grade. Anticipated traffic increase in the area will further aggravate the problem in the near future. The proposed project, when completed, should improve traffic flow in the area and reduce congestion and delays. The project is located within an industrial area.

Notice of the application was published in the Commission's Daily Calendar on October 25, 1978. No protests have been received. A public hearing is not necessary.

F I N D I N G S

1. Applicant should be authorized to construct the grade separation of Eastern Avenue under the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Commerce, Los Angeles County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossing 2-147.3-B.

2. Upon completion of the grade separation, applicant should close and physically remove the existing Eastern Avenue grade crossing, identified as Crossing 2-147.3.

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

4. 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.

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 crossings 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 the project pursuant to the California Environmental Quality Act of 1970, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

8. This project will have no significant impact on the environment.

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:

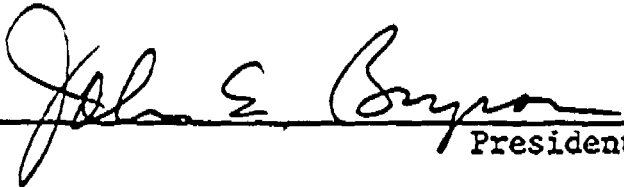
1. The County of Los Angeles is authorized to construct the grade separation of Eastern Avenue under the tracks of The Atchison, Topeka and Santa Fe Railway Company, in the City of Commerce, Los Angeles County, as set forth in the findings of this decision.

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

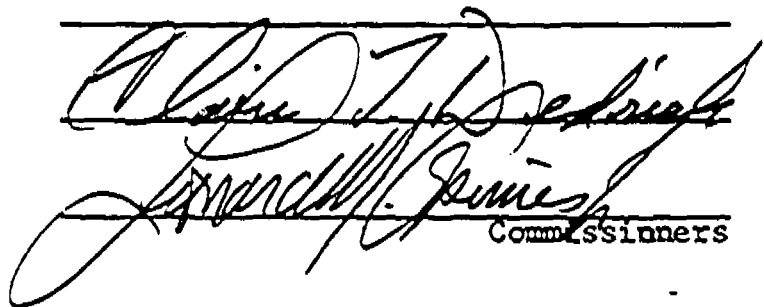
This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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.



President



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.