

SD

Decision No. 91155

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF IRVINE for the construction of a Grade Separation of Alton Parkway, a newly proposed public street, over the railroad tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Irvine, County of Orange

Application No. 59006
(Filed July 17, 1979)

O P I N I O N

As part of the Irvine Industrial Complex-East Development Project, the City of Irvine requests authority to construct Alton Parkway at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Irvine, Orange County.

The City of Irvine 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 Environmental Impact Report, the City of Irvine approved the project. On January 21, 1975, a Notice of Determination was filed with the Orange County Clerk which found that "the project would have a significant impact on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Environmental Impact Report. The site of the proposed grade separation has also been inspected by the Commission staff.

The construction of Alton Parkway at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line is part of the project for development of the approximately 2,058 acre Irvine Industrial Complex-East. The industrial park is planned for research and development, light manufacturing, medium manufacturing, warehousing and distribution, and office-professional activities associated with industrial uses. The area being developed is bounded by the foothills of the Lomas De Santiago on the north, by the El Toro Marine Corps Air Station and Santa Fe Railroad on the northwest and west, by the Santa Ana Freeway on the south and by the Irvine Ranch boundary and El Toro on the east.

The Irvine Industrial Complex-East will have a variety of natural and cultural impacts on the environment, both beneficial and adverse. Adverse impacts have been adequately addressed in the Environmental Impact Report with appropriate mitigation measures provided where deemed necessary. In addition to the project Environmental Impact Report, the City of Irvine has prepared an Environmental Description for the Alton Parkway Grade Separation Project. After review of the Environmental Description, the City of Irvine Planning staff determined that the grade separation had been adequately considered in the development EIR and that no additional EIR need be prepared.

Notice of the application was published in the Commission's Daily Calendar on July 25, 1979. 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 Alton Parkway at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Irvine, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as crossing 2-185.8-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 beneath the structure.
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. 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.
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 the 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 the Irvine Industrial Complex-East Development Project.

7. The Commission is a responsible agency and has independently evaluated and assessed the lead agency's Environmental Impact Report.

8. The Irvine Industrial Complex-East Development Project will have a significant effect on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts.

C O N C L U S I O N

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 Irvine is authorized to construct Alton Parkway at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Irvine, 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.

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

Dated DEC 18 1979, at San Francisco,
California.

John E. Guyon President

Vermon L. Sturges

Richard D. Howell

Alfred T. D'Amico

Lawrence J. Smith Commissioners