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Decision No. 91470 MAR 18 1980

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE CITY OF BUENA PARK FOR  
 THE CONSTRUCTION OF A NEW GRADE SEPARATION  
 OF BEACH BOULEVARD UNDER THE ATCHISON, TO-  
 PEKA AND SANTA FE RAILWAY COMPANY TRACKS,  
 CROSSING NO. 2-160.6B, IN THE CITY OF BUENA  
 PARK.

) Application No. 59292  
 (Filed November 21, 1979)  
 Amended December 28, 1979

O P I N I O N

The City of Buena Park requests authority to reconstruct and widen Beach Boulevard (State Route 39) at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Buena Park, Orange County.

The priority list of grade separation projects for the fiscal year 1979-80, as set forth in Decision No. 90399, dated June 5, 1979, shows this project as Priority No. 1.

The City of Buena Park 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 City of Buena Park issued a Negative Declaration and approved the project. On November 5, 1979, a Notice of Determination was filed with the Orange 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.

The present underpass structure was designed in 1936 and is inadequate to meet present traffic needs. The primary objective of the project is to furnish an underpass compatible with current standards and thereby eliminate the excessive accident rate at the structure and meet the needs of the increasing volumes of vehicular traffic. Nearby land uses include residential, commercial, and industrial, as well as some vacant land.

Notice of the application and amendment were published in the Commission's Daily Calendar on November 26, 1979, and on January 3, 1980, respectively. 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 reconstruct and widen Beach Boulevard at separated grades under the tracks of The Atchison, Topeka, and Santa Fe Railway Company's Main Line in the City of Buena Park, Orange County, at the location and substantially as shown by plans attached to the application, identified as Crossing 2-160.6-B.
2. Clearances should conform to 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. 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.
5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
7. This project will have no significant impact on the environment.

### 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:

ORDER

IT IS ORDERED that:

1. The City of Buena Park is authorized to reconstruct and widen Beach Boulevard at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Buena Park, 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 thirty days after the date hereof.

Dated MAR 18 1980, at San Francisco, California.

John E. Byrne  
President

James P. Strang

Richard D. Wood

Richard W. James  
Commissioners

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