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Decision No. 92030 JUL 15 1980

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ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
Department of Transportation for an
order authorizing the construction of
a crossing at separation of grade over
the tracks of the Atchison, Topeka and
Santa Fe Railway Company's San
Bernardino to Fullerton mainline and
yard tracks at approximate Railroad
Mile Post 22.93 and Highway Engineers
Station 657+02.54 in the City of
Corona, County of Riverside.

Application No. 59454
(Filed February 13, 1980)

O P I N I O N

As part of the project to construct a portion of Interstate 15 as a temporary connection from the end of Magnolia Avenue to El Sobrante Avenue near the intersection of Circle City Drive, the State of California, Department of Transportation (Caltrans), requests authority to construct the East Corona Overhead over The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Corona, Riverside County.

Applicant 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 review of an Environmental Impact Report, applicant approved the project and on June 14, 1973, filed a Notice of Determination with the Secretary of Resources which found that: "The project will have a significant effect on the environment."

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

Unavoidable adverse environmental effects of the freeway project largely involve the process of constructing cuts and fills which will unavoidably change the land form or remove agricultural crops and native vegetation. However, the only long-term vegetation loss will be in the area of the maintained roadway. Mitigation

measures include selective planting to blend aesthetically with the surrounding environment and replenishment of vegetation removed during freeway construction.

Construction of the project has been challenged in court in Norco Property Owners Association v. Claude S. Brinegar, Secretary of Transportation, Case No. CV-73-896-WMB, United States District Court, Central District of California. In its Order Amending the Amended Final Judgment and Order filed and entered on September 28, 1979, the court ordered that:

"1. The Amended Final Judgment and Order filed on March 19, 1975, and entered on March 20, 1975, is hereby amended to permit state defendants and state defendants are hereby permitted to plan, design and construct and do any and all things necessary to construct the temporary construction in accordance with the Findings of Fact and Conclusions of Law filed concurrently with the Order."

Notice of the application was published in the Commission's Daily Calendar on February 15, 1980. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

Findings of Fact

After consideration, the Commission finds:

1. Applicant should be authorized to construct the East Corona Overhead over The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Corona, Riverside County, to be identified as Crossing 2B-22.9-A.
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 be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs should be borne in accordance with the construction and maintenance agreement, dated January 14, 1980, between The Atchison, Topeka and Santa Fe Railway Company and Caltrans. A copy of the fully executed agreement was filed with the Commission under cover of March 4, 1980.

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 Final Environmental Impact Report.

7. This project will have a significant effect on the environment; however, the proposed mitigating measures will either eliminate or reduce the severity of the adverse impacts.

Conclusion of Laws

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. Applicant is authorized to construct the East Corona Overhead over The Atchison, Topeka and Santa Fe Railway Company's tracks in the City of Corona, Riverside 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 JUL 15 1980, at San Francisco, California.

John E. Bryan
President

Thomas L. Shannon

Robert W. Howell

Clair T. DeLuca

Donald J. Smith
Commissioners