



Notice of the application was published in the Commission's Daily Calendar on June 30, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct Weir Canyon Road at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Yorba Linda, Orange County, at the location and substantially as shown by the plans attached to the application, to be identified as crossing 2B-35.9-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 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 Final Environmental Impact Report.

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

Conclusion of Law

✓  
SS ~~On the basis of the foregoing findings,~~ <sup>W</sup> <sup>C</sup> 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 Yorba Linda is authorized to construct Weir Canyon Road at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Yorba Linda, 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 NOV 18 1980, at San Francisco, California.

John E. Bryan  
President

Thomas L. Stanger

Richard D. Howell

Charles J. Bedard

Samuel J. ...  
Commissioners