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**ORIGINAL**

Decision 93029 MAY 5 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Contra Costa, )  
 Department of Public Works for an order )  
 authorizing the construction of the )  
 Morello Avenue Safety Path underpass, )  
 existing FUC No. 2-1169.1-B under the )  
 Atchison, Topeka, and Santa Fe Railway )  
 Company's one branch main track, in )  
 the County of Contra Costa. )

Application 60245  
 (Filed February 6, 1981)

O P I N I O N

As part of the project to construct the Morello Avenue Safety Path, the County of Contra Costa requests authority to construct a pedestrian underpass adjacent to the existing Morello Avenue Underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Martinez, Contra Costa County.

The County of Contra Costa is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq. After preparation and review of an Initial Study, the County of Contra Costa issued a Negative Declaration and approved the project. On February 25, 1981, a Notice of Determination was filed with the Contra Costa County Clerk which found that: "The Project will not have a significant environmental impact."

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 been inspected by the Commission staff.

The Morello Avenue Safety Path Project involves construction of a four-foot-wide asphalt pathway along the west side of Morello

Avenue between Pacheco Boulevard and Morello Heights School and includes a separate pedestrian undercrossing of the railroad's tracks. The pathway will provide a safer route for pedestrians by eliminating the need for pedestrian traffic to share the existing roadway with vehicular traffic.

Applicant states that the project must be advertised by mid-May in order to complete construction in time for the fall school semester and, therefore, requests that the usual 30-day effective date on the order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on February 11, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority to construct a pedestrian underpass adjacent to the existing Morello Avenue Underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Martinez, Contra Costa County.

2. The proposed underpass is required to improve safety for pedestrians by providing a route separated from vehicular traffic under the railroad's tracks.

3. Public convenience and necessity require construction of the proposed pedestrian underpass.

4. Applicant is the lead agency for this project under CEQA, as amended.

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

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

Conclusions of Law

1. The application should be granted as set forth in the following order.

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2. The usual 30-day effective date on the order should be waived so that applicant may complete the project before the fall school semester begins.

O R D E R

IT IS ORDERED that:

1. The County of Contra Costa is authorized to construct a pedestrian underpass adjacent to the existing Morello Avenue Underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Martinez, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing No. 2-1169.1-B.

3. Walkways shall conform to General Order 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement which has been entered into between the parties relative thereto. A copy of the agreement, together with plans of the crossing approved by The Atchison, Topeka and Santa Fe Railway Company, has been filed with the Commission.

5. 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 two 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 requires.

This order becomes effective today.

Dated                     MAY 5 1981                    , at San Francisco, California.

                    John E. Bryson                      
President  
                    Richard W. Koehn                      
                    Lawrence W. Quinn                      
                    Arthur Evans                      
                    Russell C. Green                      
Commissioners