

ORIGINAL

Decision 93500 SEP 1 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The City of San Clemente to
construct a pedestrian crossing
across the Right of Way of the
Atchison, Topeka and Santa Fe
Railway Company right of way in
the Municipal City of San Clemente.

Application 60529
(Filed May 7, 1981)

O P I N I O N

The City of San Clemente requests authority to replace the existing Trafalgar Lane Pedestrian Overcrossing at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Main Line in San Clemente, Orange County.

Applicant is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. On May 6, 1980, applicant approved a Notice of Exemption which found that the project is categorically exempt from the provisions of CEQA under Class 2: Replacement or Reconstruction, under Section 15102 of the Guidelines for Implementation of CEQA.

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

The existing pedestrian overpass structure was completed in 1951 and is now badly deteriorated. The proposed replacement structure will continue to provide a safe means of access between the residential areas of San Clemente and the municipal beaches.

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

Findings of Fact

1. Applicant requests authority under Public Utilities Code Sections 1201-1205 to replace the existing Trafalgar Lane Pedestrian Overcrossing over the tracks of AT&SF's Main Line in San Clemente, Orange County.
2. Replacement of the existing Trafalgar Lane Pedestrian Overcrossing is required to provide continued safe access from the residential areas of San Clemente to the Municipal Beaches.
3. Public convenience, necessity, and safety require replacement of the existing Trafalgar Lane Pedestrian Overcrossing.
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 Notice of Exemption.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

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 San Clemente is authorized to replace the existing Trafalgar Lane Pedestrian Overcrossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in San Clemente, Orange County, at the location and substantially as shown on the plan attached to the application, identified as Crossing 2-205.1-AD.

2. Clearances shall be in accordance with General Order 26-D. Walkways shall conform to General Order 118.

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by AT&SF, shall 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.

4. Within 30 days after completion, under this order, applicant shall 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.

This order becomes effective 30 days from today.

Dated SEP 1 1981, at San Francisco, California.

John E. Boyer
President
Richard D. Bowles
Thomas W. Hunt
Victor Calvo
Preside. C. Gre
Commissioners