## Decision <u>96-10-023</u> October 9, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ) the County of Los Angeles for an ) order authorizing the County to ) construct the bike path and equestrian) trail along the Bast Levee of the San ) Gabriel River under the Southern ) Pacific Transportation Company ) approximate Crossing BK-496.90 )

Application 96-06-016 (Filed June 17, 1996)



### <u>OPINION</u>

As part of the project to enhance riding conditions and improve safety along the San Gabriel River bicycle path and equestrian trail, County of Los Angeles (County) requests authority to construct a bicycle path and equestrian trail at separated grades underneath the existing bridge of the Southern Pacific Transportation Company's (SPT) Santa Ana Branch Line tracks in the City of Norwalk, Los Angeles County.

The San Gabriel River Bike Path is a 35.5-mile long paved trail along the river's east levee from the foot of the San Gabriel Mountains to the Pacific Ocean at Long Beach. Bicyclists and equestrians riding along the levee paths must descend to the river bottom under the SPT bridge structure. On the river bottom, bicyclists and equestrians must descend under the bridge structure through low-flow water conditions and a mixture of silt, rocks, debris and moss before ascending back to the paths on the levee. The equestrian trail is located along side the bikeway and also crosses under the SPT bridge structure. County proposes to construct a bench into the bank of the river channel wall to provide a ramp under the existing railroad bridge structure. The proposed improvements will enhance riding conditions and eliminate the need for bicyclists and equestrians to use a portion of the river bottom where undesirable riding conditions generally prevail.

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County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. County has determined that the project is exempt from CEQA requirements under Section 15301 Class 1 (C) of the CEQA Guidelines. Section 15301 Class 1 applies to alterations of existing facilities with subsection (c) being applicable to bicycle trials.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination.

The Rail Safety/Carriers Division's Traffic Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed grade separation bicycle path and equestrian trail underpass at the location indicated in the Application, the staff recommends that the application be approved.

The application complies with the Commission's filing requirements including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of public highways across a railroad. Detailed drawing of the proposed grade separation and bicycle path and equestrian trail geometrics are included in Appendix A attached to this order.

#### Findings\_of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on June 19, 1996. No protests have been received. A public hearing is not necessary.

2. County requests authority under Public Utilities Code Sections 1201-1205 to construct a bicycle path and equestrian trail at separated grades underneath SPT's Santa Ana Branch Line in Norwalk, Los Angeles County.

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3. Construction of the bicycle and equestrian trail underpass is required to enhance riding conditions and eliminate the need to use a portion of the Los Angeles River bottom where undesirable riding conditions generally prevail.

4. Public convenience, necessity and safety require the construction of the bicycle path and equestrian trail underpass at separated grades.

5. County is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption consideration.

### Conclusion of Law

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

2. The activity is not covered by the requirements set forth in CEQA an, therefore, the Guidelines (14 Cal. Admin. Code-Div.6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

#### ORDBR

### IT IS ORDERED that:

1. County of Los Angeles (County) is authorized to construct the San Gabriel River bicycle path and equestrian trail at separated grades under the tracks of the Southern Pacific Transportation Company's (SPT) Santa Ana Branch Line in Norwalk, Los Angeles County, at the location and substantially as shown on plans attached to the application and the Appendix of this order, to be identified as Crossing BK-496.90-BD.

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2. Clearances shall conform to General Order (GO) 26-D. Walkways shall conform to GO 118.

3. Construction and maintenance costs of the bikeway and equestrian path shall be borne by County. A copy of the plans approved by SPT shall be filed by the County with the Commission's Safety and Enforcement Division prior to commencing construction.

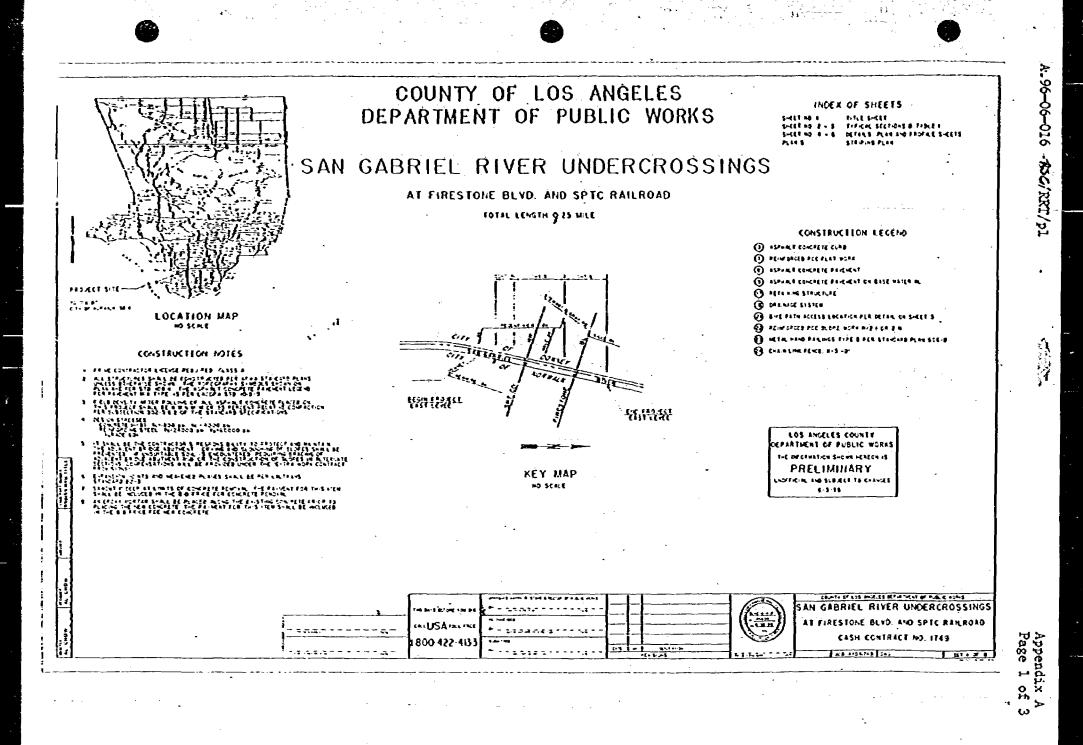
4. Within 30 days after the completion of the work under this order, County shall notify the Commission's Rail Safety/Carriers Division in writing that the authorized work has been completed.

5. This authorization shall expire if not exercised within three years unless time is extended or it the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

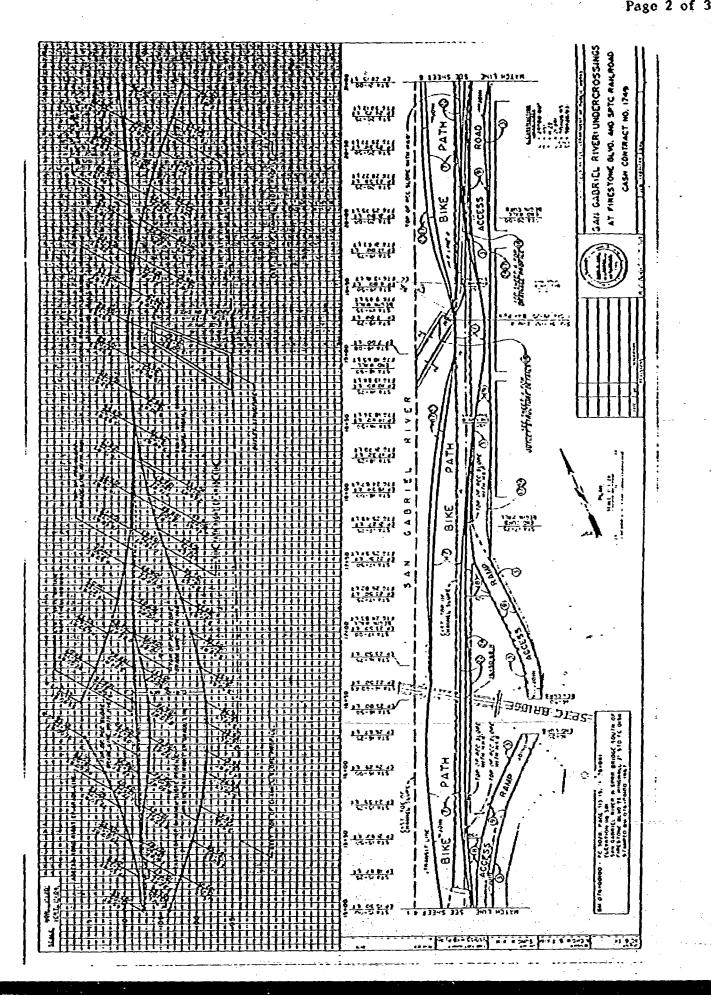
6. The application is granted as set forth above.

This order is effective 30 days from today. Dated <u>OCT 9, 1996</u>, at San Francisco, California.

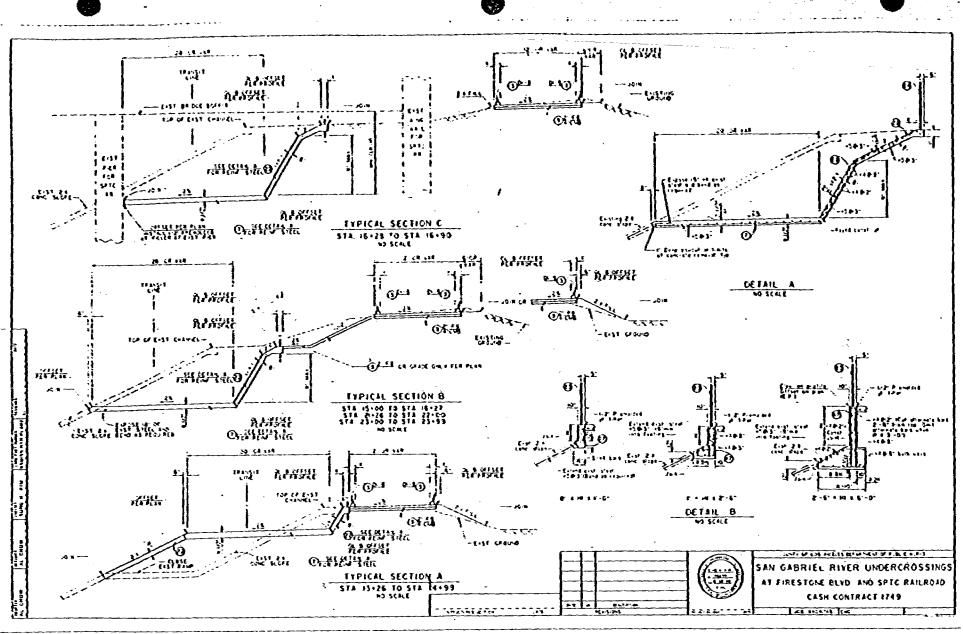
> P. GREGORY CONLON President DANIEL Wm. FESSLER JESSIE J. KNIGHT, JR. HENRY M. DUQUE JOSIAH L. NEEPER Commissioners



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