

Decision 98-10-016 October 8, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of City of Lake Forest for authority)
 to construct a pedestrian undercrossing at railroad)
 milepost 187.57, of Southern California Regional Rail)
 Authority's Orange Subdivision main line, as an)
 addition to the existing Ridge Route Drive vehicular)
 undercrossing.)
 _____)

ORIGINAL

Application 98-06-040
 (Filed June 16, 1998)

OPINION

City of Lake Forest (City) requests authority to construct a new pedestrian undercrossing at separated grades under the tracks of Southern California Regional Rail Authority's (SCRRA) Orange Subdivision main line, as an addition to the existing Ridge Route Drive vehicular grade separation underpass, in Lake Forest, Orange County.

City proposes to construct a grade separated pedestrian undercrossing of the SCRRA to connect the existing sidewalks along Ridge Route Drive just north of the existing drainage channel and concrete arch culvert. The proposed undercrossing will be approximately 41 feet north of the existing roadway, 60 feet long and parallel to Ridge Route Drive. The existing grade separation tracks are approximately 20 feet above the sidewalk. No additional railroad signals or signs will be required at the proposed pedestrian undercrossing. The existing Ridge Route Drive grade separation underpass will be used for vehicular traffic only.

Construction of the proposed grade separation pedestrian undercrossing is necessary to provide safe pedestrian movements under the heavily utilized SCRRA tracks and away from Ridge Route Drive, a major north-south roadway in the City. City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et. seq. On May 29, 1998, City of Lake Forest filed a Notice of Exemption regarding this project with the Orange County Clerk's Office. The Notice found that this project is statutorily exempt under PR Code Section 21080.13 which states that

CEQA shall not apply to a railroad grade separation project which reconstructs an existing grade separation.

The Commission is a responsible agency for this project under CEQA and also has reviewed and considered the lead agency's exemption determination. The existing Ridge Route Drive grade separation underpass and adjacent areas have been inspected by the Commission's Rail Safety and Carriers Division Staff - Rail Crossing Engineering Section. After reviewing the need for and safety of the proposed grade separation pedestrian undercrossing, Staff recommends that City's request be granted.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highway crossings and separations under a railroad. A site map and detailed drawings of the proposed grade separation pedestrian undercrossing are shown in Appendix A.

In Resolution ALJ-176-2995 dated June 18, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2995.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on June 25, 1998. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to construct a pedestrian undercrossing at separated grades under the tracks of SCRRRA's Orange Subdivision main line, as an addition to the existing Ridge Route Drive vehicular grade separation underpass, in Lake Forest, Orange County.
3. Public convenience, necessity, and safety require construction of the pedestrian undercrossing.
4. City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Notice of Exemption.

Conclusions of Law

1. Under Public Resources Code Section 21080.13, the activity is statutorily exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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

ORDER

IT IS ORDERED that:

1. City of Lake Forest (City) is authorized to construct a pedestrian undercrossing at separated grades under Southern California Regional Rail Authority's (SCRRA) Orange Subdivision main line tracks, identified as Crossing 101OR-187.57-BD, as an addition to the existing Ridge Route Drive vehicular grade separation underpass, Crossing 101OR-187.60-B, in Lake Forest, Orange County, at the location and substantially as shown by the plans attached to the Application and Appendix A of this order.

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

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of the construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, City shall notify the Commission 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 if 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.

Application 98-06-040 is closed.

This order becomes effective thirty (30) days from today.

Dated October 8, 1998, at Laguna Hills, California.

RICHARD A BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners



