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Decision No. 82012

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
Department of Transportation, for an
order authorizing the construction of
a crossing at separated grades, to be
known as South Marina Overhead, over
the tracks of the Southern Pacific
Transportation Company, in connection
with the reconstruction of a portion
of Route 1 to freeway standards in
Marina, Monterey County.

Application No. 54207
(Filed July 26, 1973)

O P I N I O N

The California Department of Transportation requests authority to construct a crossing at separated grades of State Route 1 over the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on July 30, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The California Department of Transportation should be authorized to construct State Route 1 at separated grades over Southern Pacific Transportation Company tracks in Marina, Monterey County, at the location described in the application to be identified as Crossing No. EE-117.6-A.

Construction and maintenance expense should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing approved by Southern Pacific Transportation Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Clearances should be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21' 0" above top of rail is authorized and Southern Pacific Transportation Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars.

The applicant shall notify the Commission and Southern Pacific Transportation Company at least 15 but not more than 30 days in advance of the date when the temporarily impaired clearances will be created.

Walkway areas adjacent to Southern Pacific Transportation Company tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

This project is under the jurisdiction of the National Environmental Policy Act (NEPA) of 1960. Under the regulations promulgated pursuant to NEPA Federal Highway Policy and Procedure Memorandum 90-10, dated September 7, 1972, this project was too far advanced at the time of NEPA's effective date to require an Environmental Impact Statement in compliance with those Guidelines. Pursuant to the Policy and Procedure Memorandum 90-10, an Environmental Fact Sheet was prepared by the applicant and approved December 1, 1971 by the Federal Highway Administration.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. It is the determination of applicant and the California Highway Commission that this project has been developed in such a manner as to give detailed consideration to the potential impact upon the quality of human environment and that pursuant to Section 15070 of the State of California Administrative Code an Environmental Impact Report is not required.

O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.
2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if the project is not completed within three years or if the above conditions are not complied with. The time may be extended, or the authorization may be revoked or modified, if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 16th
day of OCTOBER, 1973.

William L. Stearns
William Stearns President
James M. [Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.