

Decision No. 85426**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Contra)
 Costa for reconstruction of the)
 crossing at separated grades between)
 Waterfront Road and the tracks of) Application No. 56057
 the Southern Pacific Transportation) (Filed November 10, 1975)
 Company, sometimes referred to as the)
 "Waterfront Road Overhead", Martinez)
 area, County of Contra Costa,)
 California.)
 (PUC Public Crossing No. B36.9-A))

O P I N I O N

The County of Contra Costa requests authority to reconstruct the grade separation structure known as the "Waterfront Road Overhead" over the tracks of the Southern Pacific Transportation Company's El Paso Main Line in the Martinez area of Contra Costa County.

The priority list of grade separation projects for the fiscal year 1975-76, as set forth in Decision 84530, shows this project as Priority Number 38.

The County is the lead agency for this project, pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the County of Contra Costa approved the project and on January 27, 1976 filed a Notice of Determination with the Contra Costa County Clerk which found that the project will not have a significant effect on the environment.

Notice of the application was published in the Commission's Daily Calendar on November 13, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to reconstruct Waterfront Road (Waterfront Road Overhead) at separated grades over the Southern Pacific Transportation Company's El Paso Main Line near the City of Martinez, Contra Costa County.

2. Construction and maintenance expense of the new overhead should be borne in accordance with an agreement to be entered into between the parties relative thereto.

3. Dimensions, configurations, clearances and walkways should be substantially in accordance with plans set forth in the application and comply with applicable rules and general orders of the Commission.

4. The Commission has considered applicant's Negative Declaration and Notice of Determination and finds with reasonable certainty that this project will not have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The County of Contra Costa is authorized to reconstruct the crossing of Waterfront Road at separated grades over the tracks of the Southern Pacific Transportation Company's El Paso Main Line near the City of Martinez in Contra Costa County at the location and substantially as shown by plans attached to the application and identified as "Waterfront Road Overhead", Crossing B-36.9-A.

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

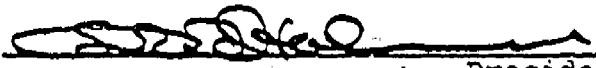
3. Construction and maintenance expense of the new overhead shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing approved by the Southern Pacific Transportation Company, shall be filed 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 thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

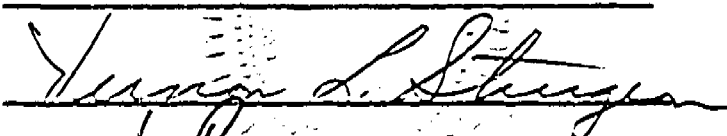
This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

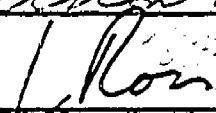
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of FEBRUARY, 1976.



President







Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.