

ORIGINAL

Decision No. 85995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, )  
 Department of Transportation, for an )  
 order authorizing the reconstruction of )  
 the existing two lane Sir Francis Drake ) Application No. 56515  
 Boulevard Underpass, Bridge No. 27C-44, ) (Filed May 28, 1976)  
 PUC No. 5-14.7B, to a four lane Underpass )  
 of the track of The Northwestern Pacific )  
 Railroad Company, City of Larkspur, )  
 County of Marin. )

O P I N I O N

The State of California, Department of Transportation, requests authority to reconstruct and widen the Sir Francis Drake Boulevard Underpass under the tracks of the Northwestern Pacific Railroad Company's San Rafael Branch Line in the City of Larkspur, Marin County.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 17, 1976, approved the project and found that it was categorically exempt from the requirements of CEQA. Applicant alleges that this project is categorically exempt from the requirements of CEQA pursuant to Title 21 (Public Works), Chapter 2, Section 1510.1 (C) (19) of the California Administrative Code.<sup>1/</sup>

Applicant requests that the usual 20-day waiting period be waived as it is imperative that the project be completed at the earliest possible date to accommodate the traffic which will be generated by opening of the Larkspur Ferry Terminal.

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<sup>1/</sup> Title 21, Chapter 2, Section 1510.1 of the California Administrative Code provides for the categorical exemption of Class 1 activities (Existing Facilities). The specific project activity covered by Subsection (C) (19) is "Alteration or widening of existing structure where the primary function and utility remains unaltered."

Notice of the application was published in the Commission's Daily Calendar on June 2, 1976. 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 and widen the Sir Francis Drake Boulevard Underpass under the tracks of the Northwestern Pacific Railroad Company's San Rafael Branch Line in the City of Larkspur, Marin County, identified as Crossing 5-14.7-B, at the location and substantially as shown by the plan attached to the application.
2. Construction and maintenance costs should be borne in accordance with the agreement which has been entered into between the parties. A copy of the agreement, signed by the Northwestern Pacific Railroad Company, has been filed with the Commission.
3. It can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment.
4. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan attached to the application and comply with applicable rules and general orders of the Commission.
5. It is imperative that this project be completed at the earliest possible date to accommodate traffic which will be generated by opening of the Larkspur Ferry Terminal; therefore, the usual 20-day waiting period should be waived.

### 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:

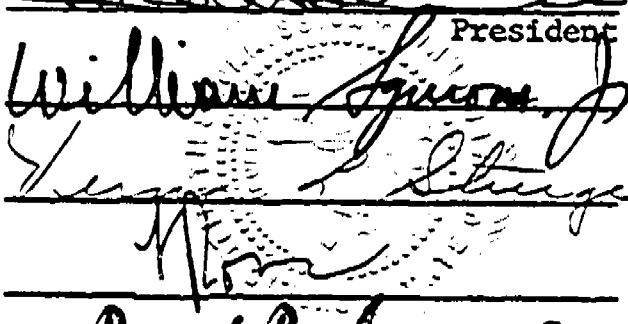
1. The State of California, Department of Transportation, is authorized to reconstruct and widen the Sir Francis Drake Boulevard Underpass under the tracks of the Northwestern Pacific Railroad Company in the City of Larkspur, Marin County, as set forth in the findings of this decision.

2. 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 one year 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 is the date hereof.

Dated at San Francisco, California, this 22nd  
day of JUNE, 1976.

  
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President  
William Simon, Jr.  
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Robert B. Baker  
Commissioners