

Decision 84 02 040

FEB 1 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of )  
 California, Department of Trans- )  
 portation for an order authorizing )  
 the following: (1) the construc- )  
 tion at separated grades to be )  
 known as "Bayview Avenue Over- )  
 crossing" (Bridge No. 28-271) over )  
 the Southern Pacific Transporta- )  
 tion Company's tracks in Contra )  
 Costa County and (2) the closing )  
 of existing at-grade crossing )  
 known as "South 47th Street Grade- )  
 Crossing (P.U.C. No. A-13.1). )

Application 83-06-19  
(Filed June 9, 1983)

O P I N I O N

As part of the project to improve the seven-mile Interstate Route 180 (State Route 17) transportation corridor to six-lane freeway standards between Interstate Route 80 in Albany and the Richmond - San Rafael Bridge, the State of California, Department of Transportation (Caltrans), requests authority to construct the Bayview Avenue Overcrossing over the tracks of Southern Pacific Transportation Company's (SPT) main line in Richmond, Contra Costa County. Authority is also requested to close the nearby South 47th Street grade crossing.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation

and review of an Environmental Impact Report (EIR), Caltrans approved the project. On August 28, 1981, a Notice of Determination was filed with the Secretary for Resources which found that "The project will have a significant effect on the environment." However, no significant impacts were found to be specifically associated with the proposed overcrossing.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

Major impacts of the project include a cost expenditure of \$190 million, dislocation of 450 people, a 2.5 acre taking from the East Yard Historical District, and a 1.3 acre taking from the Hoffman Marsh and mudflat. Mitigation measures include relocation assistance for involved residents and businesses, addition of landscape screening, and enhancement of remaining marsh areas.

Notice of the application was published in the Commission's Daily Calendar on June 13, 1983. No protests have been received. A public hearing is not necessary.

#### Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the Bayview Avenue Overcrossing over the tracks of SPT's main line and to close the nearby South 47th Street grade crossing in Richmond, Contra Costa County.

2. Construction of the Bayview Avenue Overcrossing and closure of the existing South 47th Street grade crossing are required as part of the project to improve the seven-mile Route I-180(17) transportation corridor.

3. Public convenience, necessity, and safety require construction of the Bayview Avenue Overcrossing.

4. Caltrans 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 EIR.

6. The Interstate Route 180 transportation corridor improvement project will have a significant impact on the environment; however, mitigation measures will either eliminate or reduce the severity of the adverse impacts to acceptable levels.

7. The EIR identifies no significant environmental impact that will be caused by construction of the overcrossing or closure of the South 47th Street grade crossing.

Conclusion of Law

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 (Caltrans), is authorized to construct the Bayview Avenue Overcrossing over the tracks of Southern Pacific Transportation Company's (SPT) main line in Richmond, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing A-12.6-A.
2. Upon completion of the Bayview Avenue Overcrossing and its opening to vehicular traffic, the existing South 47th Street grade crossing, Crossing A-13.1, shall be closed and physically removed.
3. Clearances shall be in accordance with General Order (G.O.) 26-D; except that during the period of construction a clearance of not less than 21'- 0" above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.
4. Caltrans shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstruction and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, 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.

7. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission in writing that the authorized work has been completed.

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.

This order becomes effective 30 days from today.

Dated FEB 1 1984 at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

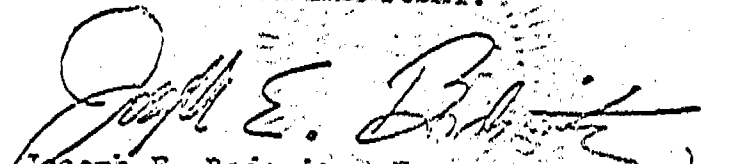
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director