

ORIGINAL

Decision 84 07 061

JUL 5 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of)
 California, Department of)
 Transportation for an order)
 authorizing the Department to widen)
 the existing crossing at separated)
 grades known as "Old Bayshore)
 Highway Overhead" over a drill)
 track of the Southern Pacific)
 Transportation Company's Niles to)
 San Jose line in Santa Clara)
 County.)

Application 84-04-051
 (Filed April 9, 1984)

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to widen the existing Old Bayshore Highway Overhead over Southern Pacific Transportation Company's (SPT) tracks in San Jose, Santa Clara County.

The grade separation widening project will fill in the area between the two existing structures. The widening will provide for a third lane in the northbound direction and increase the width of the three existing southbound lanes. Widening of the overhead will improve traffic flow on this congested portion of State Route 17 (SR-17).

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. Caltrans has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

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

Notice of the application was published in the Commission's Daily Calendar on April 13, 1984. 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 widen the existing Old Bayshore Highway Overhead over SPT's tracks in San Jose, Santa Clara County.

2. Widening of the Old Bayshore Highway Overhead is required to improve traffic flow on this congested portion of SR-17.

3. Public convenience, necessity, and safety require widening of the Old Bayshore Highway Overhead.

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 categorical exemption determination.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

7. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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 widen the existing Old Bayshore Highway Overhead over Southern Pacific Transportation Company's (SPT) tracks in San Jose, Santa Clara County, identified as Crossing DA-45.26-AC.

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

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

4. 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.

5. 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.

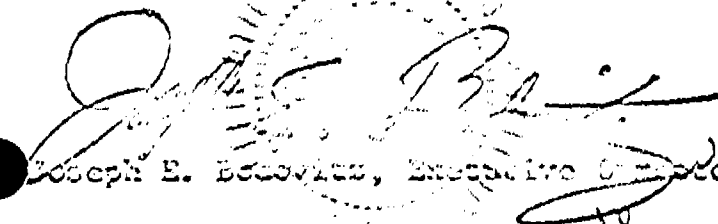
6. The application is granted as set forth above.

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 is effective 30 days from today.

Dated JUL 5 1984, at San Francisco, California.

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


Joseph E. Beavies, Executive Director

LEONARD M. CRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners