

Decision 84 09 108

SEP 19 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF OXNARD)
 for an Order authorizing recon-)
 struction of a crossing at)
 separated grades between Third)
 Street and the tracks of the)
 Southern Pacific Transportation)
 Company, sometimes referred to as)
 the "Third Street Overhead".)

Application 84-07-095
(Filed July 30, 1984)

O P I N I O N

The City of Oxnard (City) requests authority to reconstruct the Third Street Overhead over Southern Pacific Transportation Company's (SPT) tracks in Oxnard, Ventura County.

The project will replace the existing Third Street Overhead which is structurally inadequate and badly deteriorated. Temporary heavy timber bents have been placed to prevent collapse of the existing structure. In addition to carrying vehicular and pedestrian traffic over SPT's tracks, the Third Street Overhead carries traffic over Oxnard Boulevard (State Route 1).

City 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. On September 22, 1983, City filed a Notice of Exemption with the Ventura County Clerk and the Secretary for Resources which determined that the

project is categorically exempt from CEQA under Section 15301 (c) and (d) of the CEQA Guidelines (14 Cal. Admin. Code - Div. 6). Section 15301 applies to Class 1 - Existing Facilities with subsection (c) being applicable to activities involving existing streets and highways and subsection (d) being applicable to the restoration or rehabilitation of deteriorated or damaged structures.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Notice of Exemption. 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 August 2, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to reconstruct the Third Street Overhead over SPT's tracks in Oxnard, Ventura County.
2. Reconstruction of the overhead is required to provide a safe and structurally adequate overcrossing of SPT's tracks.
3. Public convenience, necessity, and safety require reconstruction of the Third Street Overhead.
4. City 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 Notice of Exemption.

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 City of Oxnard (City) is authorized to reconstruct the Third Street Overhead over Southern Pacific Transportation Company's (SPT) tracks in Oxnard, Ventura County, at the location and substantially as shown by plans attached to the application, identified as Crossing E-407.7-A.

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

3. 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.

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

5. The application is granted as set forth above.

A.84-07-095 T/RWS/SR/WPSC

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.

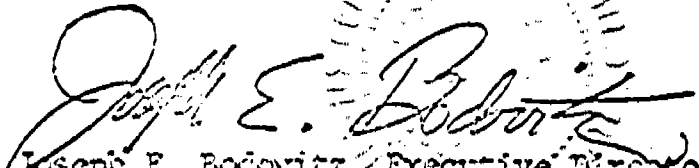
This order becomes effective 30 days from today.

Dated SEP 19 1984, at San Francisco, California.

Commissioner William T. Bagley
being necessarily absent, did
not participate.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director