

T/ALA/dae

Decision 88 03 060

MAR 23 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CITY OF RICHMOND )  
for an Order authorizing con- )  
struction of a crossing at )  
separated grades between 23rd )  
Street and tracks of the Southern )  
Pacific Transportation Company, )  
sometimes referred to as the )  
"23rd Street Underpass." (PUC )  
No. A-14.5B. )

Application 86-12-058  
(Filed December 24, 1986;  
amended September 17, 1987)

O P I N I O N

The City of Richmond (City) requests authority to construct 23rd Street at separated grades under the tracks of Southern Pacific Transportation Company's (SPT) main line in Richmond, Contra Costa County.

The priority list of grade separation projects for the fiscal year 1987-88, as set forth in Decision 87-06-016, dated June 15, 1987, shows this project as Priority No. 9.

Twenty-third Street is a major north-south thoroughfare for the central portion of Richmond, and is a primary access route to the Civic Center, BART's Richmond Station, several churches and schools, and the City of San Pablo. A grade separated crossing would reduce delays to the public, fire and police services, and would enhance traffic safety.

City 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. City has determined that the project is 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 exemption determination. The site of the proposed project has been inspected by the Commission's Traffic Engineering staff. The staff examined the need for and the safety of the proposed crossing. The staff recommends issuance of an ex parte order authorizing the proposed underpass.

Application 86-12-058 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is set forth as Appendix A.

By protest filed January 16, 1987, SPT objected to granting of the sought authority on the basis that the structure should accommodate four tracks as previously agreed rather than three tracks as indicated in the application. City filed an amendment to the application on September 17, 1987 indicating it had reached agreement with SPT and will include abutments and pier footings for the future fourth track as part of the initial construction. SPT subsequently withdrew its protest.

Notice of the application and amendment were published in the Commission's Daily Calendar on December 31, 1986 and September 23, 1987, respectively. There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct 23rd Street at separated grades under the tracks of SPT's main line in Richmond, Contra Costa County.

2. Construction of the 23rd Street undercrossing is required to reduce traffic delays and improve safety.

3. Public convenience, necessity and safety require construction of the 23rd Street underpass.

4. City is the lead agency for this project under CEQA, as amended. The project is exempt from CEQA under P.R. Code Section 21080.13.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's 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.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. Upon completion of the 23rd Street underpass and its opening to vehicular traffic, the existing 23rd Street grade crossing of SPT's main line should be closed and physically removed.

3. 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.

O R D E R

1. The City of Richmond (City) is authorized to construct 23rd Street at separated grades under 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-14.5-B.

2. Upon completion of the underpass, and its opening to vehicular traffic, the existing 23rd Street grade crossing of SPT's tracks, Crossing A-14.5, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

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. The project limits and eligible project costs shall be determined in the same manner as required for funding under Section 2454 of the Streets and Highway Code.

6. 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.

7. 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.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated MAR 23 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

*Victor Weiser*  
Victor Weiser, Executive Director

