

S/RE/

**ORIGINAL**

Decision 89 09 026 SEP 7 1989

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: Build a )  
new crossing at separated grades over the ) Application 88-10-022  
track of the Southern Pacific ) (Filed October 12, 1988)  
Transportation Company in the City of San )  
Lorenzo, Alameda County, California. )

**O P I N I O N**

As part of the project to connect the westbound lanes of State Route 238 to the southbound lanes of Interstate Route (I) 880, The State of California, Department of Transportation (Caltrans), requests authority to construct the "Route 238/880 Connector Overcrossing", over the tracks of Southern Pacific Transportation Company's (SPT) main line in Alameda County.

The proposed overhead will be located north of and immediately adjacent to the existing Route 238 Overhead, PUC No. D-17.7-A, (a.k.a. the Clark Avenue Overhead), in an unincorporated section of Alameda County known as San Lorenzo. Construction of the overhead will reduce traffic delay and congestion on local roads.

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. After preparation and review of an Environmental Assessment/Initial Study, Caltrans issued a Negative Declaration and approved the project. On April 9, 1986, a Notice of Determination was filed with the State Office of Planning and Research, which found that

"The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff recommends issuance of an ex parte order authorizing the requested grade separation.

The application 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 included as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on October 17, 1988. 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 Route 238/880 Connector Overcrossing at separated grades over the tracks of SPT's main line in Alameda County.
2. The crossing is an essential element of I-880.
3. Public convenience, necessity, and safety require construction of the Route 238/880 Connector 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 Initial Study and Negative Declaration.
6. The project will have no significant impact on the environment.

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 Route 238/880 Connector Overcrossing at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) main line in Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing D-17.68-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 21' - 6" 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.

3. 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.

4. 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.

5. 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.

6. Within 30 days after completion of the work under this order, Caltrans shall advise 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 SEP 7 1989, at San Francisco, California.

G. MITCHELL WALK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

**THE NEXT**  /

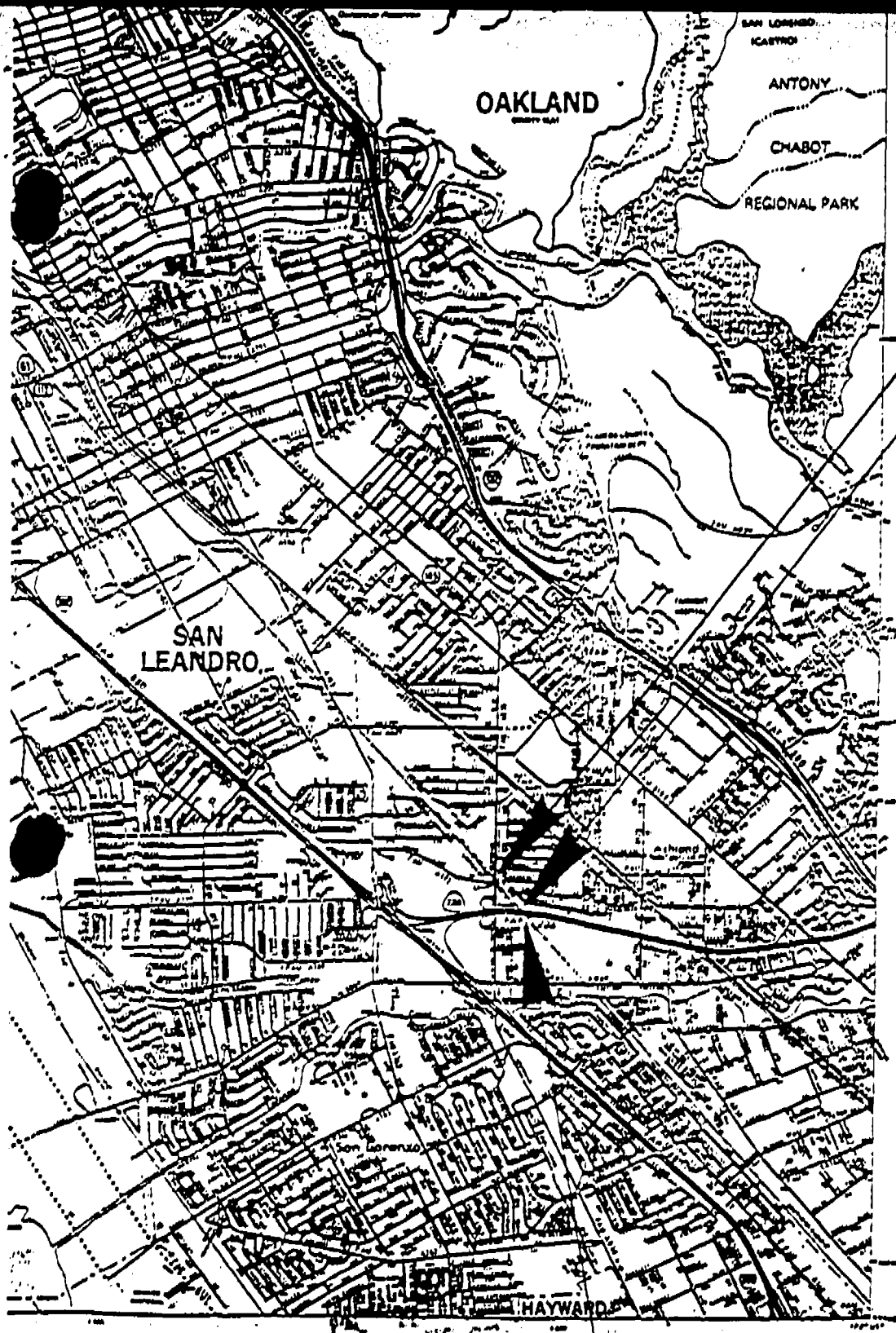
**DOCUMENTS ARE**

**POOR ORIGINALS**

*MICROFILMING SERVICES*

*will not assume responsibility*

*for the image quality*



Existing  
 HESPERIAN BLVD  
 G.R. KING PUC No.  
 D-17.5

PROPOSED ROUTE 233,  
 CONNECTOR OVER "R.R."  
 R.R. Milepost 17.68

VICINITY MAP  
 Scale  
 0 .25 .50 .75 1 Mile

EXISTING CLARK AVE OH  
 PUC NO. D-17.7 - A

