

Decision 90 02 009 FEB 07 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of
California, Department of Transpor-
tation, for an order authorizing the
Department to construct a new over-
crossing on new alignment on State
Route 85, at post mile 0.34 over the
tracks of the Southern Pacific Trans-
portation Company in the City of San
Jose, Santa Clara County, California.)

ORIGINAL

Application 89-08-033
(Filed August 17, 1989)

O P I N I O N

As part of the State Route 85 (SR-85) Project to construct a 6-lane freeway between U.S. Route 101 in south San Jose and Interstate 280 in Cupertino, the California Department of Transportation (Caltrans) requests authority to construct SR-85 at separate grades over Southern Pacific Transportation Company's (SPT) tracks (to be known as Coyote Overhead) in San Jose, Santa Clara County.

The 18 mile long project will complete a regional transportation network and relieve congestion on existing streets. Major impacts include displacement of approximately 408 residences and 69 businesses, changes in local traffic patterns, decreases in riparian vegetation along several water courses, increase in noise levels, and visual impact. Mitigation measures will include relocation assistance, habitat replacement or restoration, construction of sound attenuation barriers, and landscaping.

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 Statement (EIS), Caltrans

approved the project. On November 4, 1987, a Notice of Determination was filed with the Secretary for Resources and with the Santa Clara County Clerk which found that "The project will 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 EIS.

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

The site of the project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff has examined the need to construct the crossing and recommends that authority to construct the overhead be granted.

Notice of the application was published in the Commission's Daily Calendar on August 25, 1989. 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 Coyote Overhead at separated grades over the tracks of SPT's main line in San Jose, Santa Clara County.

2. Construction of the Coyote Overhead is an essential element of the SR-85 Project.

3. Public convenience, necessity, and safety require construction of the Coyote 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 EIS.

6. Construction of the SR-85 project will have a significant effect on the environment; however, mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

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 Coyote Overhead at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) main line in San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing E-60.3-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 22'-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.

3. Caltrans shall notify the Commission's Safety Division 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 obstruction 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's Safety Division 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 notify the Commission's Safety Division 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 February 7, 1990, at San Francisco, California.

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

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

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director

