

S/ELB/bcy

Decision 90 05 017 MAY 04 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 separated)
grade crossing known as the East)
Livingston Underpass in Livingston,)
California.)

Application 90-01-005
(Filed January 4, 1990)

O P I N I O N

As part of the 6.2 mile long project to realign State Route (SR) 99 and convert it to a 4-lane freeway, the California Department of Transportation (Caltrans) requests authority to construct the East Livingston Underpass at separated grades under the tracks of the Southern Pacific Transportation Company's (SPT) El Paso via Martinez Main Line in Livingston, Merced County. Authority is also requested to construct a temporary shoofly track at separated grades over SR-99 at a location approximately 90 feet south of the existing tracks.

The proposed freeway construction will provide reduced congestion and safer traffic flow by eliminating signalized intersections along existing SR-99. An existing underpass (called the Livingston Underpass), Crossing B-135.9-B, grade separates SPT's tracks from existing SR-99 and will remain to handle local traffic.

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 Initial Study, Caltrans issued a Negative Declaration and approved the project.

On July 28, 1987 a Notice of Determination was filed with the State Clearinghouse 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 Safety Division's Traffic Engineering staff. The staff examined the need for and safety of the proposed construction and recommends that authority to construct the crossings be granted as requested.

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

Notice of the application was published in the Commission's Daily Calendar on January 9, 1990. 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 East Livingston Underpass on SR-99 at separated grades under the tracks of SPT's El Paso via Martinez Main Line in Livingston, Merced County.

2. Railroad operations require construction of a temporary shoofly track south of SPT's existing track during construction of the East Livingston Underpass.

3. Construction of the shoofly track requires that a temporary underpass be constructed over SR-99 to provide for continued vehicular traffic flow during construction of the East Livingston Underpass.

4. Construction of the East Livingston Underpass is required as part of the realignment of SR-99 through the City of Livingston.

5. Public convenience, necessity, and safety require construction of the East Livingston Underpass.

6. Caltrans is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

8. The project will not have a significant effect 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 East Livingston Underpass at separated grades under the tracks of Southern Pacific Transportation Company's (SPT) El Paso via Martinez Main Line in Livingston, Merced County, at the location and substantially as shown by plans attached to the application, and to be identified as Crossing B-136.0-B.

2. Caltrans is also authorized to construct a temporary shoofly track at separated grades over SR-99 south of the existing SPT tracks for use during construction of the East Livingston Underpass.

3. Upon completion of the East Livingston Underpass, the shoofly track and temporary underpass shall be physically removed.

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

5. 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.

6. 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 crossings approved by Southern Pacific Transportation Company, 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.

7. 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.

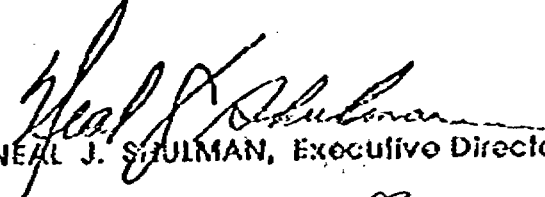
8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.
Dated MAY 04 1990, at San Francisco, California.

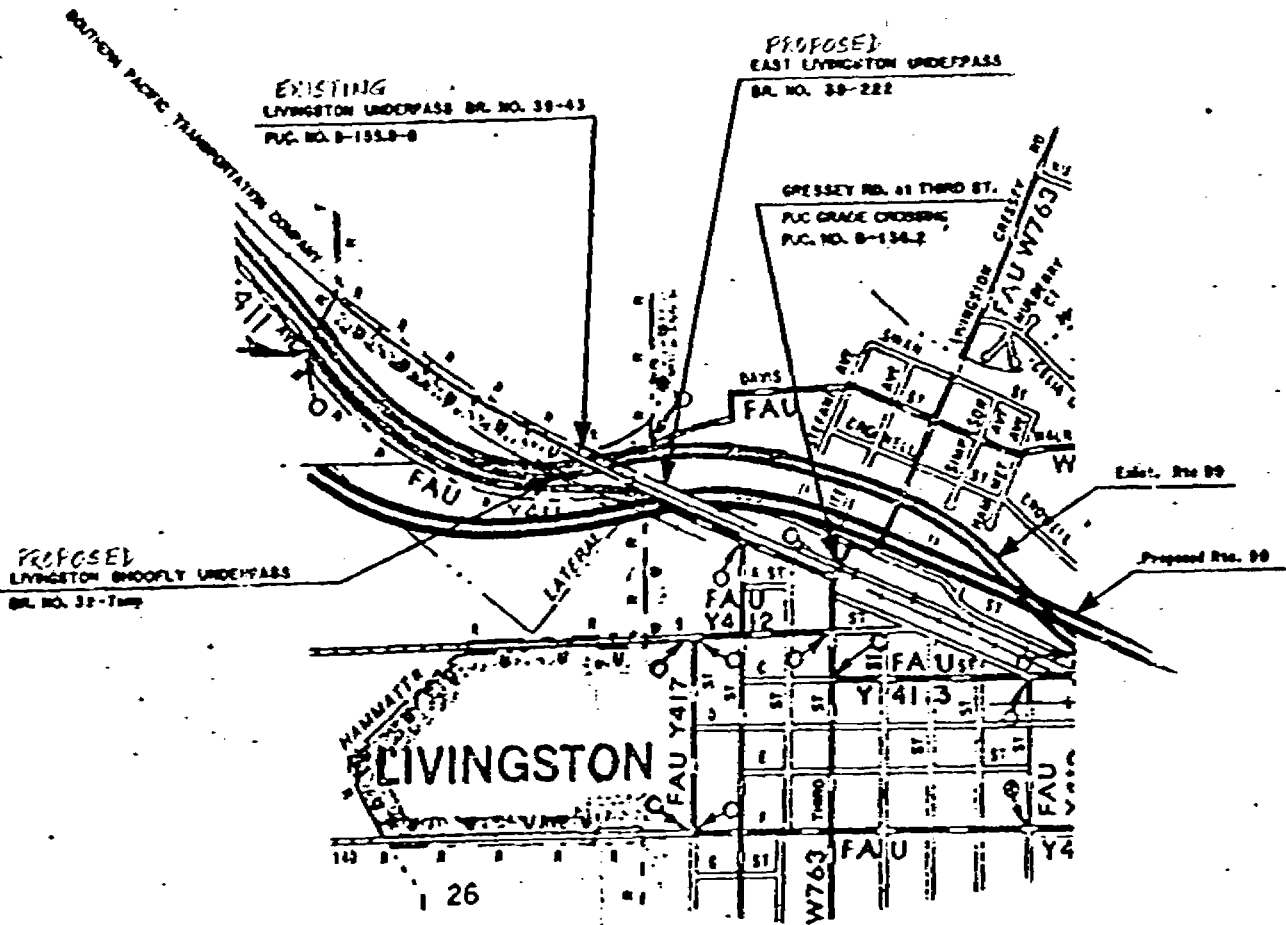
G. MITCHELL WLK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SULMAN, Executive Director
PB

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Appendix A1
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VICINITY MAP