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Decision 91 01 033

JAN 23 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County
Transit District for an order autho-)
rizing construction of a grade)
separated crossing of Chynoweth)
Avenue by the light rail transit)
line of the Guadalupe Corridor)
Project in the City of San Jose,)
California. Crossing No. 82A-7.52.)

ORIGINAL

Application 90-10-026
(Filed October 2, 1990)

O P I N I O N

As part of the Guadalupe Corridor Project to construct a light rail transit (LRT) system, a four-lane freeway, and bicycle facilities, the Santa Clara County Transit District (SCCTD) requests authority to construct its light rail vehicle (LRV) tracks at separated grades over Chynoweth Avenue in San Jose, Santa Clara County. The southern portion of the LRT system lies in the medians of State Routes 87 and 85 from San Carlos Street south to Cottle Road.

The multi-modal transportation improvements will provide relief to congested major highways and local streets in the area. The LRT system is approximately 20 miles in length between Great America Amusement Park in north Santa Clara and the IBM business park in south San Jose. The grade separation structure is part of a project to extend the Guadalupe Corridor Freeway southerly on new alignment. Major impacts include displacement of 69 residential and 17 non-residential structures, increased traffic congestion of isolated locations, and removal of mature trees along North First Street. Mitigation measures will include relocation assistance, construction of grade separations, and a landscape replacement program.

The Guadalupe Corridor Joint Powers Board (GCJPB) consisting of SCCTD, the California Department of Transportation, the County of Santa Clara, the City of San Jose, and the City of Santa Clara, 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. The project is covered by a Final Environmental Impact Statement (FEIS) which was approved by the Federal Highway Administration on August 12, 1983. On September 15, 1987 a Notice of Determination was filed 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 FEIS. The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed crossing. The staff recommends that the new grade separated crossing be authorized as requested in the application.

Application 90-10-026 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway. A sketch of the project vicinity is set forth in Appendix A.

Notice of the application was published in the Commission's Daily Calendar on October 17, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SCCTD requests authority under Public Utilities Code Sections 1201-1205 to construct its LRV tracks at separated grades over Chynoweth Avenue in San Jose, Santa Clara County.
2. Construction of the grade separated crossing is an essential element in construction of the Guadalupe Corridor Project.

3. Public convenience, necessity, and safety require construction of the grade separated crossing.

4. GCJPB 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 FEIS.

6. The Guadalupe Corridor 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.

ORDER

IT IS ORDERED that:

1. The Santa Clara County Transit District (SCCTD) is authorized to construct its LRV tracks at separated grades over Chynoweth Avenue in San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 82A-7.5-B.

2. LRV operating clearances at the crossing shall be in accordance with General Order 143.

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 all parties involved, 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.

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

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

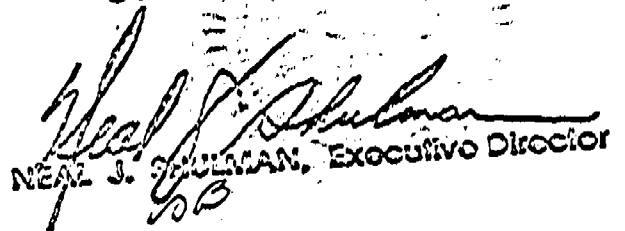
6. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JAN 25 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

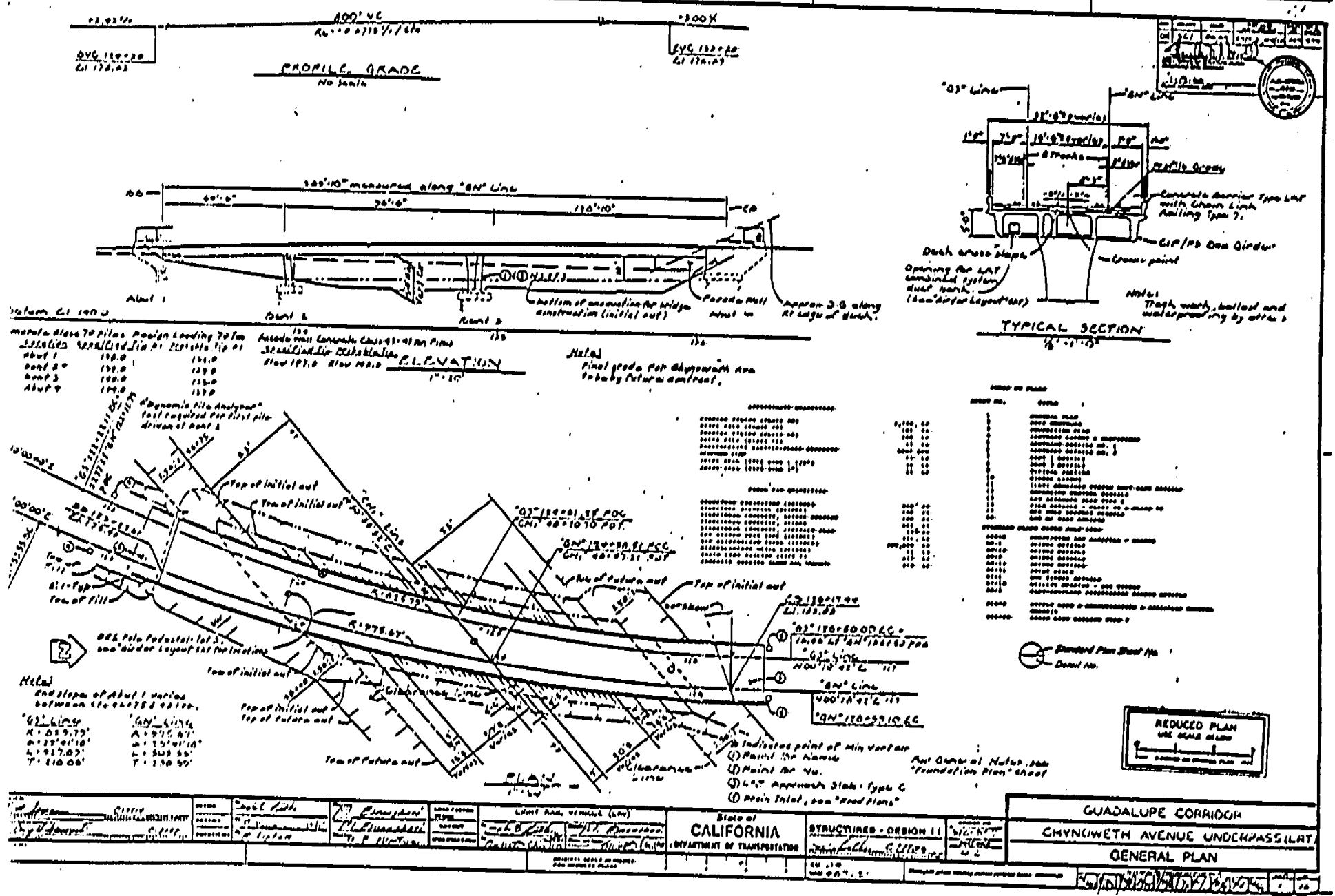
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SULLIVAN, Executive Director

A.90-10-026

S/SLB

Appendix A



PLAN/PROFILE OF CHYNOWETH AVENUE