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Decision 91-03-039 March 22, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Millbrae for)
an Order authorizing construction of a)
crossing at separated grades between)
Millbrae Avenue and the tracks of the)
Southern Pacific Transportation Company,)
sometimes referred to as the "Millbrae)
Avenue Overhead." (PUC No. E-13.7A).)

ORIGINAL

Application 90-07-054
(Filed July 20, 1990)

Louis M. Sandrini, Director of Public Works,
for the City of Millbrae, applicant.

Leland E. Butler, Attorney at Law, for
Southern Pacific Transportation Company,
protestant.

Mike Anderson, for United Transportation Union,
interested party.

O. J. Solander, Attorney at Law, for Department
of Transportation, State of California,
special appearance.

OPINION

The City of Millbrae (City) requests authority to construct the Millbrae Avenue Overhead at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Coast Route Main Line in Millbrae, San Mateo County.

The priority list of grade separation projects for the fiscal year 1990-91, as set forth in Decision 90-06-058, dated June 20, 1990, shows this project as Priority No. 4.

Replacement of the existing grade crossing at Millbrae Avenue with a grade separation will provide a major east-west arterial street not subject to disruption by rail movements, and will improve the safety of pedestrians, bicyclists, and motorists in crossing the heavily used tracks. During construction of the overhead, the existing Millbrae Avenue grade crossing will be relocated to accommodate vehicular traffic. Rail traffic will use

the existing tracks during construction. Upon completion of the proposed overhead, the existing Millbrae Avenue grade crossing and detour road will be closed.

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 categorically 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 categorical exemption determination. 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 grade separation, and recommends issuance of an ex parte order authorizing construction of the Millbrae Avenue Overhead.

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 crossing area is included as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on July 27, 1990. A timely protest was filed by SPT objecting to being asked to contribute 10% of the project cost as mandated in § 1202.5 of the Public Utilities (PU) Code. SPT argued that the cited code section does not apply herein because most of the train movements across Millbrae Avenue are under the jurisdiction of Caltrain who should share in the mandated 10% railroad cost. Because of the protest the application was referred to Administrative Law Judge (ALJ) Orville Wright for hearing. On February 13, 1991, ALJ Wright presided over a prehearing conference on the application. At the conference SPT withdrew its protest because the San Mateo County Transportation Authority had issued a policy statement of its intent to provide

funding up to 60% of the cost of the project, including the 10% mandated railroad contribution.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 27, 1990. A protest by SPT was filed and was later withdrawn. No other protests have been received. A public hearing is not necessary.

2. City requests authority under PU Code §§ 1201-1205 to construct the Millbrae Avenue Overhead at separated grades over the tracks of SPT's Coast Route Main Line in Millbrae, San Mateo County.

3. Construction of the Millbrae Avenue Overhead is required to improve east-west traffic circulation in Millbrae.

4. Public convenience, necessity, and safety require construction of the Millbrae Avenue Overhead.

5. Public safety requires that protection at the proposed temporary detour grade crossing be two Standard No. 9-A automatic gate-type signals with cantilevers and two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

6. Upon completion of the Millbrae Avenue Overhead and its opening to vehicular traffic, the grade crossings of existing Millbrae Avenue and the detour road will be required to be closed.

7. City is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

9. 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. 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.

ORDER

IT IS ORDERED that:

1. The City of Millbrae (City) is authorized to construct the Millbrae Avenue Overhead at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Coast Route Main Line in Millbrae, San Mateo County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing E-13.7-A.

2. City is also authorized to construct a temporary detour road at grade across SPT's tracks during the period of construction. Protection at the temporary detour crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers and two Standard No. 9 automatic gate-type signals (GO 75-C).

3. Construction of the temporary grade crossing shall be equal or superior to Standard No. 1 of GO 72-B.

4. Upon completion of the overhead and its opening to vehicular traffic, the existing Millbrae Avenue grade crossing, Crossing E-13.7, and detour road crossing shall be closed and physically removed.

5. Clearances shall be in accordance with GO 26-D. 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

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.

7. Within 30 days after completion of the work under this order, City shall advise 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 March 22, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director

