

S/ELB

Decision 91 11 021 NOV 6 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
California, Department of Transporta-)
tion, for an order authorizing the)
Department to: Construct a new cross-)
ing at separated grades to be known)
as the "Pollard Road Underpass" under)
the track of the Southern Pacific)
Transportation Company's Vasona Branch)
line, close an existing grade-crossing)
in the Town of Los Gatos, County of)
Santa Clara, State of California.)

ORIGINAL

Application 91-08-035
(Filed August 15, 1991)

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 the Pollard Road Underpass at separated grades under the tracks of Southern Pacific Transportation Company's (SPT) Vasona Branch Line in Los Gatos, Santa Clara County. The underpass will replace the present grade crossing of Pollard Road. Authority is also sought to construct a temporary grade crossing of Pollard Road across a shoofly track for use during construction of the underpass.

Pollard Road is a busy east-west 2-lane thoroughfare between the cities of Campbell and Saratoga. The SPT tracks are parallel to and to the south of proposed SR-85. Construction of the underpass will require that vehicular and train traffic bypass the construction site. The vehicular traffic will use existing Pollard Road and SPT trains will be routed onto a shoofly track. After the underpass is open to traffic the shoofly track, and the existing and temporary grade crossings will be removed.

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 Office of Planning and Research which found that "The project will have a significant effect on the environment."

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.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIS.

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 issuance of an ex-parte order authorizing construction of the proposed undercrossing and temporary grade crossing, subject to the installation of automatic gate-type signals as protection.

Caltrans has met 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 set forth as Appendix A.

Findings of Facts

1. Notice of the application was published in the Commission's Daily Calendar on August 28, 1991.

2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the Pollard Road Underpass at separated grades under the tracks of SPT's Vasona Branch Line in Los Gatos, Santa Clara County.

3. Railroad operations require use of a temporary grade crossing of Pollard Road across a shoofly track during construction of the Pollard Road Underpass.

4. Construction of the Pollard Road Underpass is required as part of the construction of SR-85 through the Town of Los Gatos.

5. Public convenience, necessity, and safety require construction of the Pollard Road Underpass.

6. Public safety requires that protection at the temporary shoofly grade crossing be two Standard No. 9 gate-type signals (General Order (GO) 75-C).

7. Caltrans 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 EIS.

9. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

Conclusions of Law

1. The application is uncontested, and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. The State of California, Department of Transportation, (Caltrans), is authorized to construct the Pollard Road Underpass at separated grades under the tracks of Southern Pacific

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Transportation Company's (SPT) Vasona Branch Line in Los Gatos, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing EN-46.9-B.

2. Caltrans is also authorized to construct a temporary grade crossing of Pollard Road across SPT's shoofly track, which will be required during the period of construction. Protection at the temporary grade crossing shall be two Standard No. 9 gate-type signals (GO 75-C).

3. Upon completion of the Pollard Road Underpass the shoofly track, the existing grade crossing (Crossing EN-46.9), and the temporary grade crossing shall be physically removed.

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

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

6. 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.

7. 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 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.

8. 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.

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9. 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.

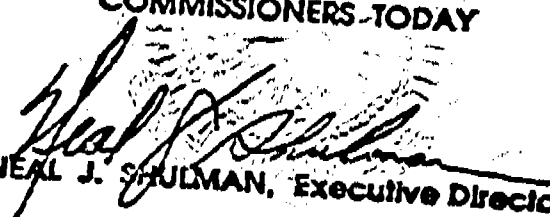
10. The application is granted as set forth above.

This order becomes effective 30 days from today.

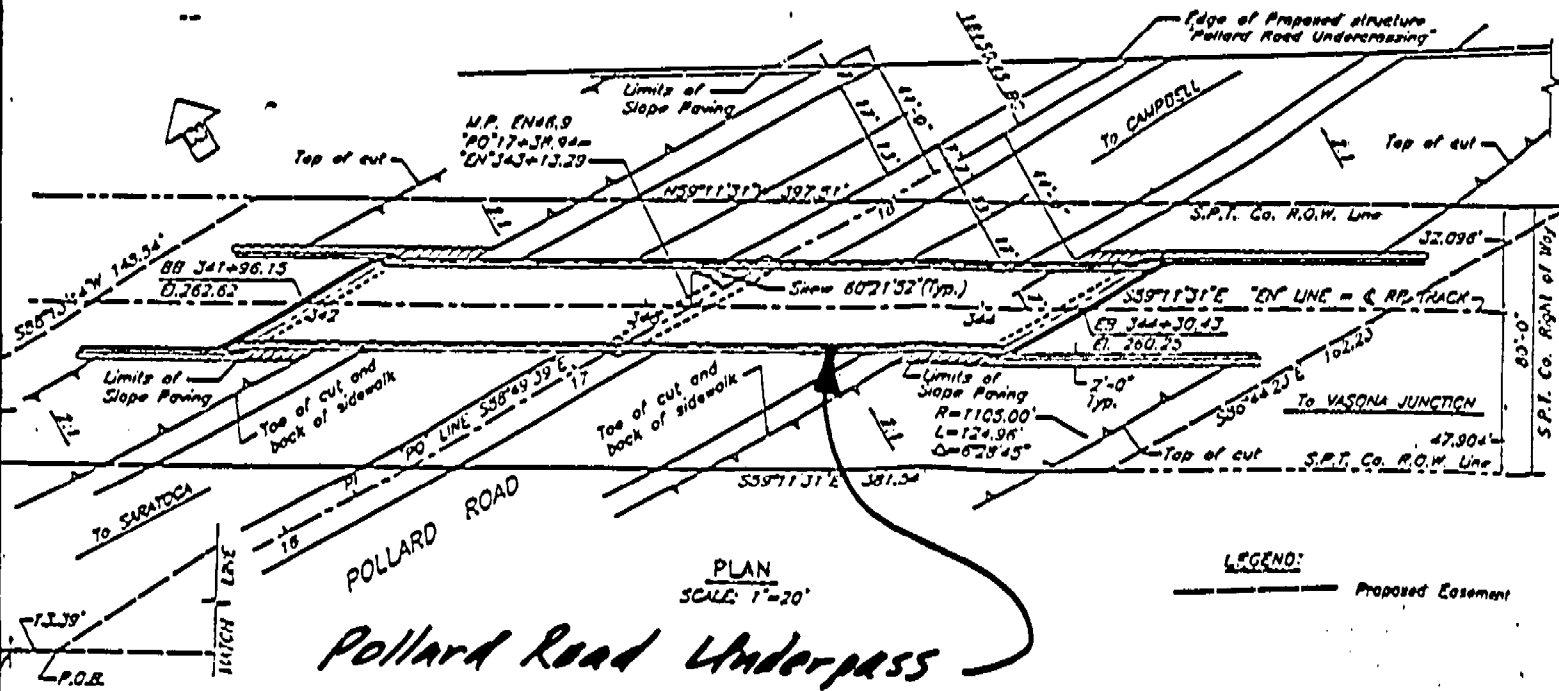
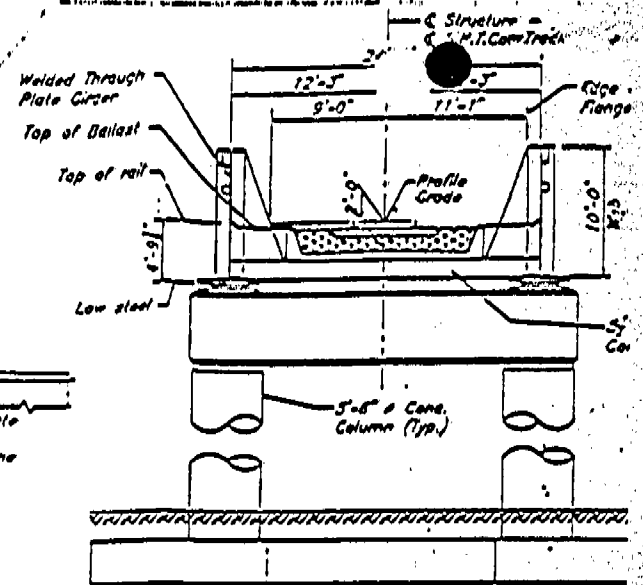
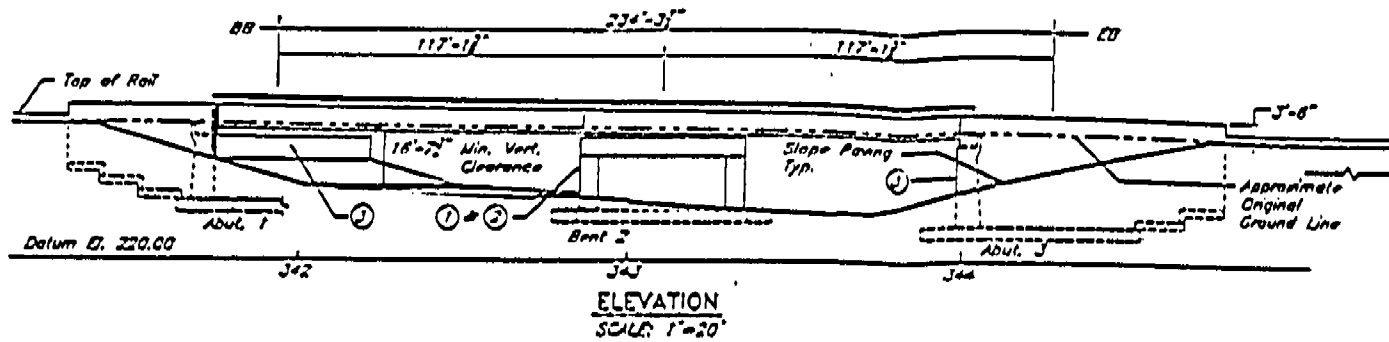
Dated NOV 6 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
JOHN B. CHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director

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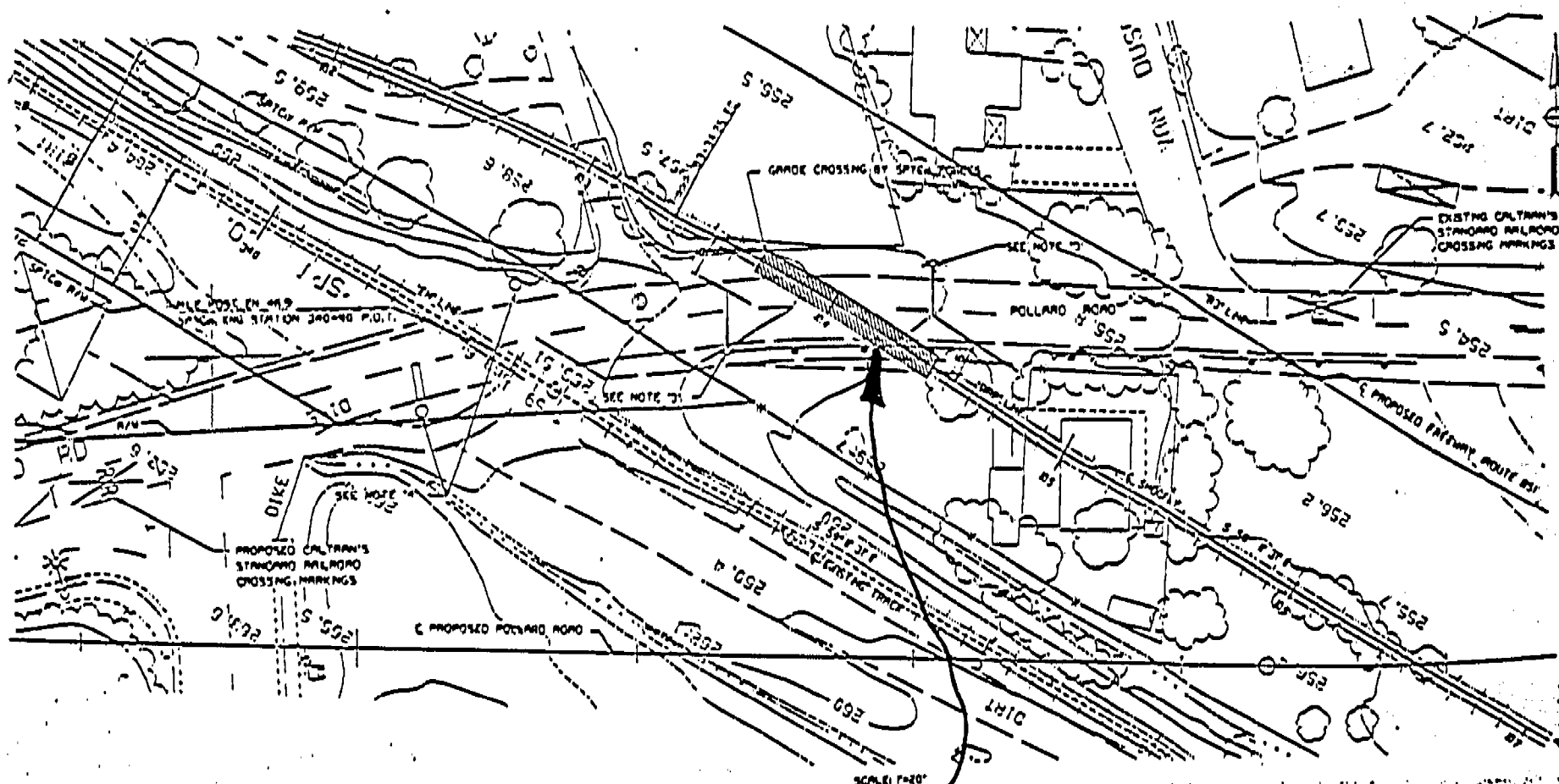


Pollard Road Underpass

LEGEND:
 Proposed Easement

Most westerly corner of void parcel. (see description)

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 APPENDIX A
 (1 of 2)



Temporary Grade Crossing

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 APPENDIX A (2 of 2)