

Decision 91 11 022 NOV 6 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
Department of Transportation, for an)
order authorizing the Department to:)
Construct a new crossing at separated)
grades to be known as the "Winchester)
Boulevard Underpass" under the track of)
the Southern Pacific Transportation)
Company's Vasona Branch line, in the)
Town of Los Gatos, County of Santa)
Clara, State of California.)

ORIGINAL

Application 91-08-039
(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 Winchester Boulevard Underpass on proposed SR-85 at separated grades under the tracks of Southern Pacific Transportation Company's (SPT) Vasona Branch Line in Los Gatos, Santa Clara County.

The new structure will carry SPT's tracks over proposed SR-85 and will be located parallel to and to the east of Winchester Boulevard, which will cross SR-85 on a separate structure. A temporary shoofly track will be built west of the existing track so that SPT's trains can bypass the construction site, but no temporary grade crossings will be involved. When the underpass is opened to traffic, the shoofly track 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 underpass.

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 Winchester Boulevard Underpass on SR-85 at separated grades under the tracks of SPT's Vasona Branch Line in Los Gatos, Santa Clara County.

3. Construction of the Winchester Boulevard Underpass is required as part of the construction of SR-85 through the Town of Los Gatos.

4. Public convenience, necessity, and safety require construction of the Winchester Boulevard Underpass.

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

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

7. 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.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation, (Caltrans), is authorized to construct the Winchester Boulevard Underpass on SR-85 at separated grades under the tracks of Southern Pacific 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 L-53.0-B.

2. Upon completion of the Winchester Boulevard Underpass, the shoofly track shall be physically removed.

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

4. 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.

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.

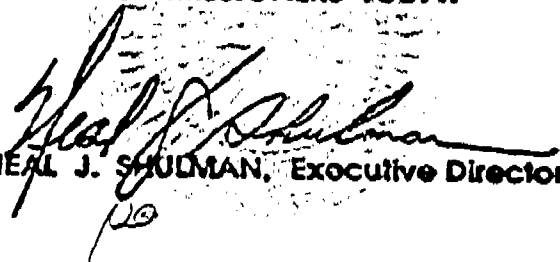
This order becomes effective 30 days from today.

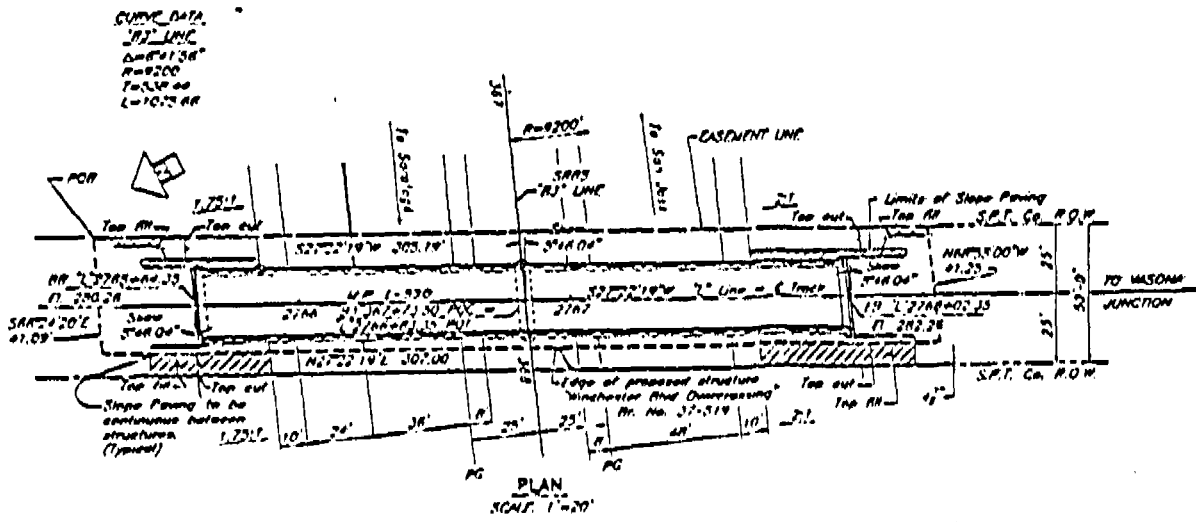
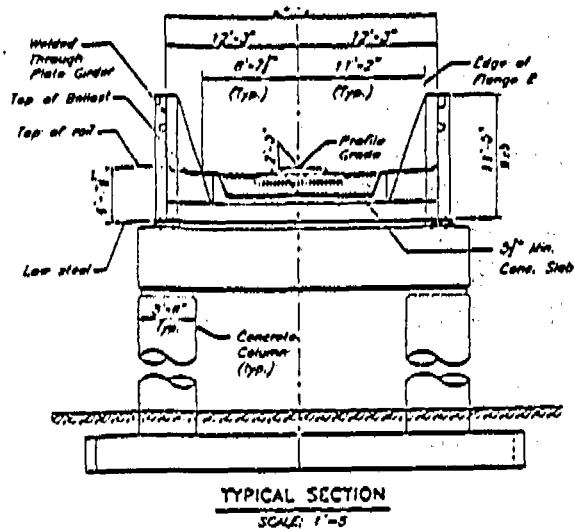
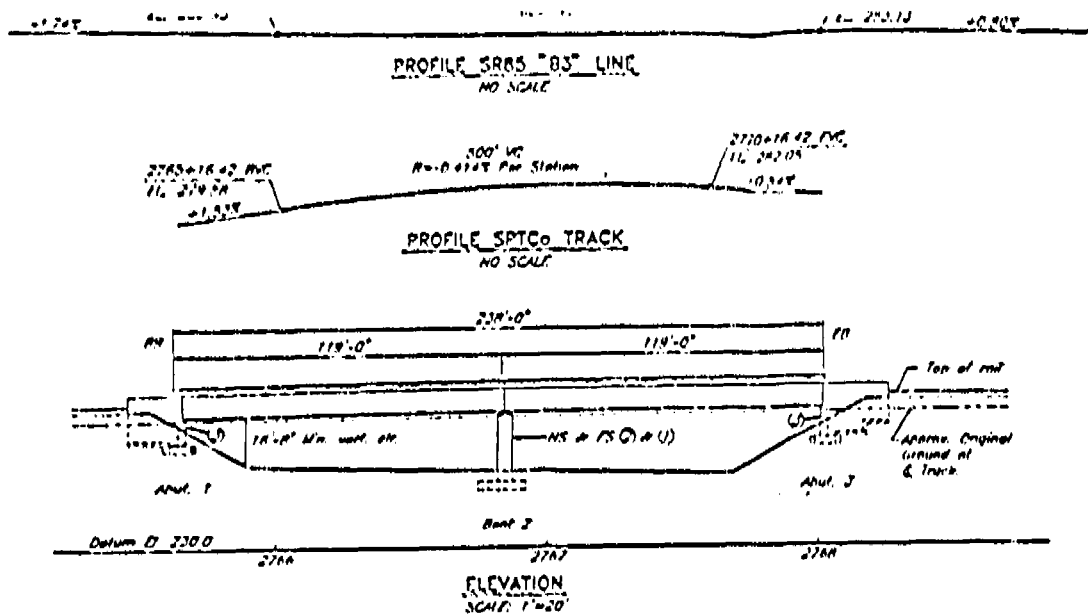
Dated NOV 6 1991, at San Francisco, California.

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

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

- 4 -


NEAL J. SHULMAN, Executive Director



A. 91-08-039 S/E/LB APPENDIX A