

S/ASC/ah

Decision 92 05 026 MAY 08 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Martinez,)
California, for an order authorizing)
construction of Old Orchard Road)
Underpass under the main line of the)
Atchison, Topeka and Santa Fe Railway)
Company, in the City of Martinez,)
Contra Costa County.)

ORIGINAL

Application 91-07-034
(Filed July 25, 1991)

O P I N I O N

As part of the project to construct 340 single family residences, the City of Martinez (City) requests authority to construct Old Orchard Road at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Martinez, Contra Costa County.

The residential development project is located to the south of the tracks and east of proposed Old Orchard Road. City proposes to extend Old Orchard Road easterly to Howe Road and construct Old Orchard Road Underpass under AT&SF's tracks. The proposed underpass will provide access to both residential and commercial areas, will alleviate traffic congestion, and will improve emergency vehicle response time to the areas.

City 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 Report (EIR), City approved the project. On November 20, 1989, a Notice of Determination was filed with the Contra Costa County Clerk, 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 EIR. The Commission's Safety Division Traffic Engineering staff

inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

Application 91-07-034 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 set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 29, 1991. No protests have been received.
2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Old Orchard Road at separated grades under AT&SF's main line tracks in Martinez, Contra Costa County.
3. The crossing is required to provide improved access to residential and commercial developments.
4. Public convenience, necessity, and safety require construction of the underpass.
5. City 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 EIR.
7. The project will not have a significant effect on the environment.

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 City of Martinez (City) is authorized to construct Old Orchard Road at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Martinez, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-1169.7-B.

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

3. 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.

4. 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 AT&SF, 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.

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

6. 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.

7. The application is granted as set forth above.
This order becomes effective 30 days from today.
Dated MAY 08 1992 at San Francisco, California.

DANIEL W. FESSLER
President
JOHN B. OHANIAN
PATRICIA H. ECKERT
NORMAN D. SHUMWAY
Commissioners

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

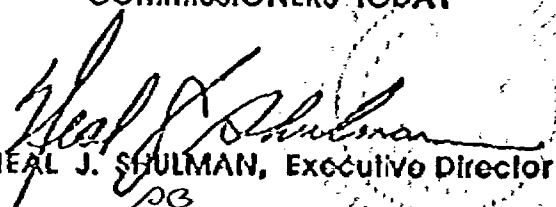
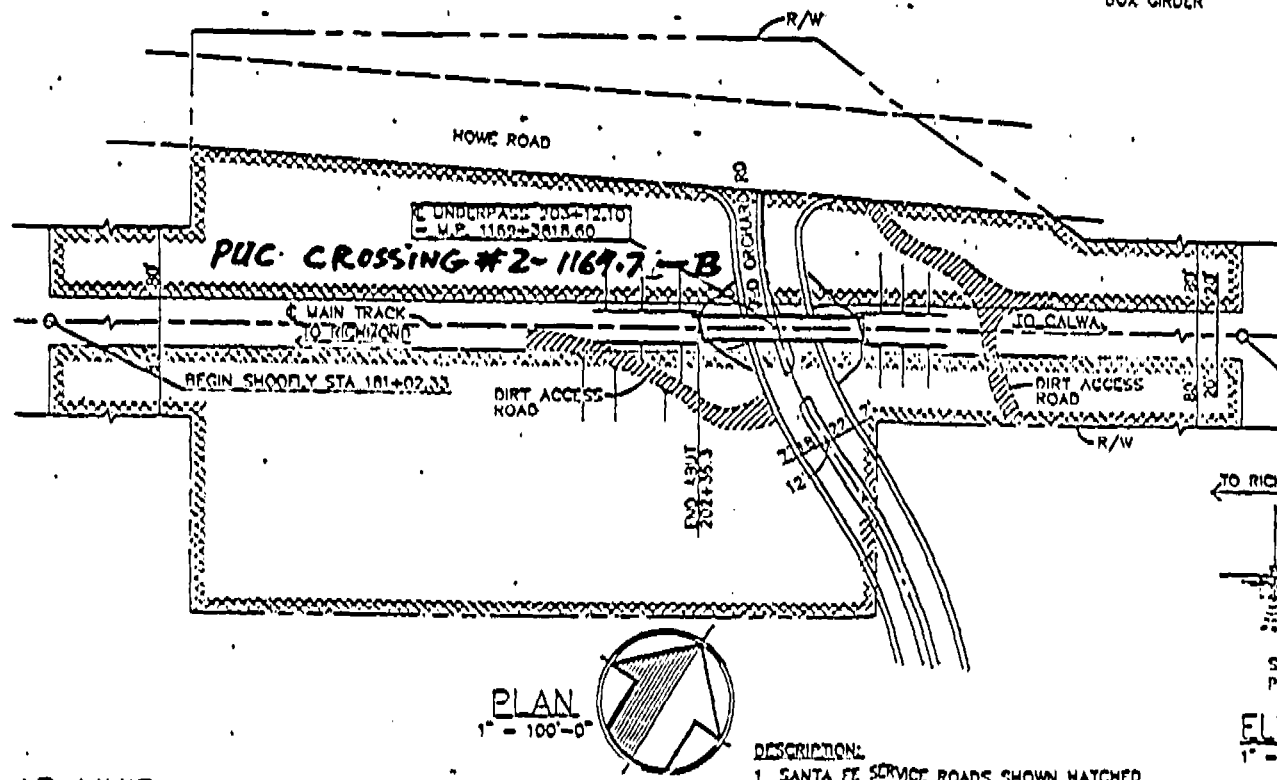
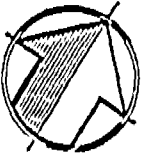

NEAL J. SHULMAN, Executive Director

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN
 THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
 AND
 CITY OF MARTINEZ FEB 6 1991

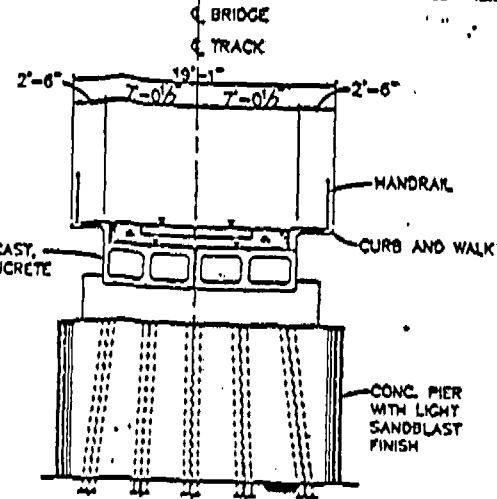


PLAN
 1" = 100'-0"

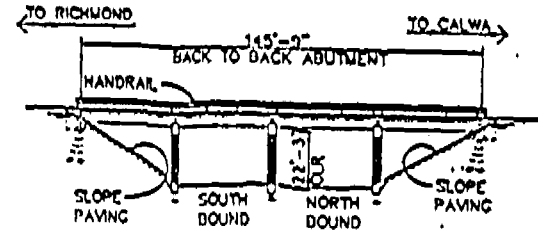


DESCRIPTION:


- 1 SANTA FE SERVICE ROADS SHOWN HATCHED
- 2 BRIDGE SHOWN BOLD
- 3 RIGHT OF ENTRY SHOWN WITH SHADED CROSS HATCH



TYPICAL SECTION
 1/8" = 1'-0"



ELEVATION-OLD ORCHARD RD.
 1" = 40'-0"

APPROVED:

 Chief Engineer

AR MUIR
 CONTRA COSTA COUNTY, CALIFORNIA

A.91-07-034 S/ASC

APPENDIX A
 A.91-07-034