

T/ET/DV/WPSC

ORIGINAL

Decision 82 03 055 MAR 16 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of the City of Sacramento for)
construction of Arden Way overhead)
at separated grades over the)
tracks of Southern Pacific)
Transportation Company.)

Application 82-01-44
(Filed January 22, 1982)

O P I N I O N

The City of Sacramento (City) requests authority to construct the "Arden Way Overhead" over the tracks of Southern Pacific Transportation Company's (SPT) Ogden Main Line in Sacramento, Sacramento County.

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 Initial Study, City issued a Negative Declaration and approved the project. On December 28, 1981, a Notice of Determination was filed with the Sacramento 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 independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The priority list of grade separation projects for fiscal year 1981-82, as set forth in Decision 93160, dated June 2, 1981, shows this project as Priority No. 7.

The project will replace an existing grade crossing at Arden Way with an overhead that will accommodate two travel lanes in each direction. Construction of the overhead will improve the safety of rail operations in the area and reduce vehicular traffic delay.

By motion filed March 10, 1982, SPT requested that it be permitted to late-file its protest to the application. In its motion, SPT stated that it had filed a formal protest to the matter on March 3, 1982, which protest was not accepted because SPT's calculation of the time within which the protest could be filed was incorrect. Accordingly, the instant motion was filed.

The basis for SPT's protest is that the temporary vertical clearance of 21'- 6" requested in the application is inadequate. It is the position of SPT that the minimum temporary vertical clearance allowed during construction should be not less than 22'- 0''. SPT's protest makes it clear that the railroad is not opposed to the

physical design or other features of the overhead and that the only point at issue is the question of temporary overhead clearance.

By letter to the Commission dated March 8, 1982, a copy of which has been directed to SPT, City agreed to the 22'- 0" temporary vertical clearance during construction requested by SPT. Since the point at issue in the protest has been resolved, the motion to late-file the protest should be denied.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct the Arden Way Overhead over the tracks of SPT's Ogden Main Line in Sacramento, Sacramento County.
2. Construction of the overhead is required to improve the safety of rail operations and reduce vehicular traffic delay.
3. After completion of the Arden Way Overhead, and its opening to vehicular traffic, the existing Arden Way grade crossing, Crossing A-93.5, should be closed and physically removed.
4. Public convenience, necessity, and safety require construction of the Arden Way Overhead.
5. By motion filed March 10, 1982, SPT requested that it be permitted to late-file its protest to the application.
6. The sole point at issue in the protest is overhead clearance during construction.

7. City has agreed to the 22'- 0" minimum overhead clearance requested by SPT.

8. Applicant is the lead agency for this project under CEQA, as amended.

9. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

10. The project will have no significant effect on the environment.

Conclusions of Law

1. The motion of SPT to late-file a protest to the application should be denied.

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 Sacramento (City) is authorized to construct the Arden Way Overhead over the tracks of Southern Pacific Transportation Company's (SPT) Ogden Main Line in Sacramento, Sacramento County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing A-93.5-A.

2. The motion of SPT to late-file a protest to the application is denied.

3. Upon completion of the Arden Way Overhead and its opening to vehicular traffic, the existing Arden Way grade crossing, Crossing A-93.5, shall be closed and physically removed.

4. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 22' - 0" above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

5. City shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

6. Walkways shall conform to General Order 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 crossing approved by SPT, shall be filed with the Commission 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, under this order, City shall advise the Commission in writing.

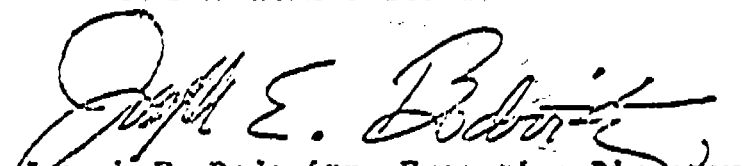
This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director