

Decision 82 03 100 MAR 16 1982

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Pleasanton for an Order authorizing construction of two grade separations and for the closure of three grade crossings in connection with consolidation of 10 miles of Southern Pacific and Western Pacific tracks between Sunol and Livermore.

Application 58804
(Filed April 13, 1979)

O P I N I O N

As part of the project to consolidate the tracks of Southern Pacific Transportation (SPT) and Western Pacific Railroad Company (WP) between Sunol and Livermore, the City of Pleasanton (City) requests authority to construct Bernal Avenue and Del Valle Parkway at separated grades under the tracks of WP's Main Line in Pleasanton, Alameda County.

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. 9.

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, City approved the project.

A Notice of Determination was filed with the Alameda County Clerk which found that the project will 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 Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The project will consolidate WP's and SPT's tracks through City and will include the construction of underpasses at Bernal Avenue and Del Valle Parkway, and the closure of grade crossings at Bernal Avenue, Division Street, and St. John's Street. The consolidation and SPT's trackage rights over WP require Interstate Commerce Commission authorization. Construction of the two underpasses and closure of the three grade crossings will improve the safety of rail operations and reduce vehicular traffic delay.

Unavoidable adverse impacts of the consolidation project largely involve displacement of one business and two homes, loss of property tax revenues, construction impacts, and alteration of the visual character of the area. Mitigation measures include relocation assistance, noise abatement, and dust control.

Notice of the application was published in the Commission's Daily Calendar on April 17, 1979. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Bernal Avenue and Del Valle Parkway at separated grades under the tracks of WP's Main Line in Pleasanton, Alameda County.
2. Construction of the underpasses is required to improve the safety of rail operations and reduce vehicular traffic delay.
3. Upon completion of the Bernal Avenue and Del Valle Parkway undercrossings and their opening to vehicular traffic, the existing grade crossings of WP's Main Line at Bernal Avenue, Division Street, and St. John's Street should be closed and physically removed.
4. Public convenience, necessity, and safety require construction of the Bernal Avenue and Del Valle Parkway undercrossings.
5. Applicant is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Environmental Impact Report.
7. The project will have a significant effect on the environment; however, the proposed mitigation measures will either eliminate or reduce the severity of the adverse impacts.

Conclusion of Law

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 Pleasanton (City) is authorized to construct Bernal Avenue and Del Valle Parkway at separated grades under the tracks of Western Pacific Railroad Company's (WP) Main Line in Pleasanton, Alameda County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 4-41.1-B (Bernal Avenue) and 4-41.8-B (Del Valle Parkway).

2. Upon completion of the Bernal Avenue and Del Valle Parkway undercrossings and their opening to vehicular traffic, the existing Bernal Avenue, Division Street, and St. John's Street crossings, Crossings 4-41.1, 4-41.5, and 4-41.7, respectively, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order 26-D. Walkways shall conform to General Order 118.

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 WP, 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.

5. 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