

ORIGINAL

Decision 82 11 030 NOV 3 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of)
California, Department of Trans-)
portation for an order authorizing)
the construction of Bel Marin Keys)
Overhead (Br. No. 27C-55) over the)
Northwestern Pacific Railroad)
tracks as part of a proposed)
project to modify Ignacio Boulevard)
Interchange and to realign Bel)
Marin Keys Boulevard in Marin)
County.)

Application 82-07-63
(Filed July 29, 1982)

O P I N I O N

As part of the project to modify the Ignacio Boulevard Interchange and to realign Bel Marin Keys Boulevard, the State of California, Department of Transportation (Caltrans), requests authority to construct the Bel Marin Keys Overhead over the tracks of Northwestern Pacific Railroad Company's (NWP) Main Line near Novato, Marin County.

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 Initial Study, Caltrans issued a Negative Declaration and approved the project. On June 25, 1982, a Notice of Determination was filed with the Secretary for Resources 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 project includes construction of a 1,350-foot realigned section of Bel Marin Keys Boulevard, a local street near the southern city limits of Novato, and reconstruction of an existing freeway off-ramp. The new alignment of Bel Marin Keys Boulevard will carry traffic over NWP's tracks at separated grades with the existing Bel Marin Keys Boulevard grade crossing remaining to serve residents of the Los Robles Mobile Home Park. The project is located in an area of light industrial and mobile home development.

Notice of the application was published in the Commission's Daily Calendar on August 3, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the Bel Marin Keys Overhead over the tracks of NWP's Main Line near Novato, Marin County.

2. Construction of the overhead is required to improve the safety of rail operations and reduce vehicular traffic delay.

3. Public convenience, necessity, and safety require construction of the Bel Marin Keys Overhead.

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

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

6. The project will have no significant impact on the environment.

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 State of California, Department of Transportation (Caltrans), is authorized to construct the Bel Marin Keys Overhead over the tracks of Northwestern Pacific Railroad Company's (NWP) Main Line near Novato, Marin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 5-24.7-A.

2. Clearances shall be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21'-6" above top of rail shall be authorized and NWP 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.

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

4. 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.

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 NWP, 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.

6. Within 30 days after completion, under this order, Caltrans shall advise the Commission in writing.

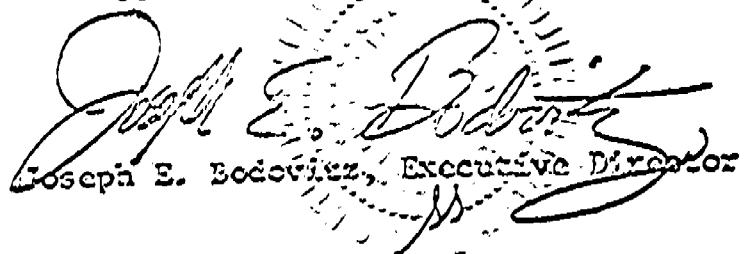
This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated NOV 3 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