

ORIGINAL

Decision 83 01 027 JAN 12 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF LIVER-)
MORE for an order authorizing)
construction of a crossing at)
separated grades between Vasco)
Road and the tracks of The Western)
Pacific Railroad Company, sometimes)
known as the Vasco Road Overhead.)
(4-50.7A))

Application 82-07-17
(Filed July 9, 1982)

O P I N I O N

The City of Livermore (City) requests authority to construct the Vasco Road Overhead over the tracks of Western Pacific Railroad Company's (WP) main line in and near Livermore, Alameda County.

The priority list of grade separation projects for fiscal year 1982-83, as set forth in Decision 82-06-053, dated June 15, 1982, shows this project as Priority No. 11.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000 et seq. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.^{1/}

^{1/} Section 21080.13 was added to the PR Code by Chapter 58, Statutes 1982, as an urgency statute effective February 18, 1982.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's categorical exemption determination. The site of the proposed project has been inspected by the Commission staff.

This project is related to the track consolidation project of Southern Pacific Transportation Company (SPT) and WP between Sunol and Livermore. The existing SPT tracks, located approximately 0.3 mile north of WP's tracks, will remain in service for local switching only. The grade separation project will replace the existing Vasco Road grade crossing of WP's main line.

Notice of the application was published in the Commission's Daily Calendar on July 13, 1982. 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 the Vasco Road Overhead over the tracks of WP's main line in and near Livermore, Alameda County.

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

3. Upon completion of the Vasco Road Overhead and its opening to vehicular traffic, the existing Vasco Road grade crossing should be closed and physically removed.

4. Public convenience, necessity, and safety require construction of the Vasco Road Overhead.

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 independently evaluated and assessed the lead agency's categorical exemption determination.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

8. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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 Livermore (City) is authorized to construct the Vasco Road Overhead over the tracks of Western Pacific Railroad Company's (WP) main line in and near Livermore, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-50.8-A.

2. Upon completion of the Vasco Road Overhead and its opening to vehicular traffic, the existing Vasco Road grade crossing, Crossing 4-50.7, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 21'- 0" above top of rail shall be authorized and WP 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.

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

5. 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.

6. 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.

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

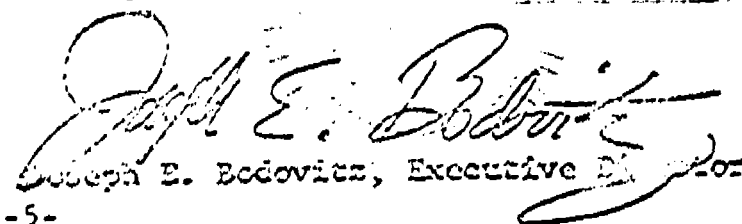
This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated JAN 12 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director