

Decision S3 01 064 Jan. 19, 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)	
of: The City of Sacramento to)	
construct El Camino Avenue on new)	Application 82-09-34
alignment at separated grades over)	(Filed September 17, 1982;
the Ogden track of the Southern)	amended October 6, 1982)
Pacific Transportation Company.)	

O P I N I O N

The City of Sacramento (City) requests authority to construct the El Camino Avenue Overhead over the tracks of Southern Pacific Transportation Company's (SPT) Ogden Main Line in Sacramento, Sacramento 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. 40.

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 Section 21080.13 of the PR Code.^{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.

The project will replace an existing two-lane underpass at El Camino Avenue with an overhead that will accommodate two travel lanes in each direction. Construction of the overhead will reduce vehicular traffic delay in the area.

Notice of the application and amendment were published in the Commission's Daily Calendars on September 22 and October 7, 1982, respectively. 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 El Camino Avenue Overhead over the tracks of SPT's Ogden Main Line in Sacramento, Sacramento County.
2. Construction of the overhead is required to reduce vehicular traffic delay.
3. After completion of the El Camino Avenue Overhead, and its opening to vehicular traffic, the existing El Camino Avenue underpass, Crossing A-93.9-B, should be closed and physically removed.

4. Public convenience, necessity, and safety require construction of the El Camino Avenue 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 Sacramento (City) is authorized to construct the El Camino Avenue 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-93.9-A.

2. Upon completion of the El Camino Avenue Overhead, and its opening to vehicular traffic, the existing El Camino Avenue underpass, Crossing A-93.9-B, 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 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 or cars beneath the structure.

4. 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.

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 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.

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

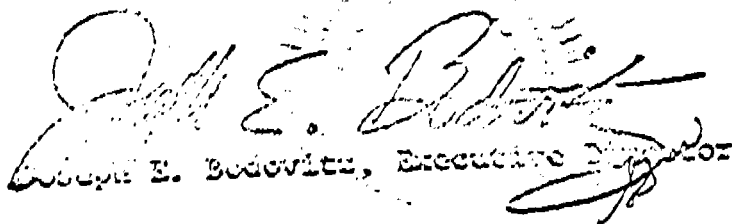
.. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified in public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated JAN 19 1983, at San Francisco, California.

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

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


Joseph E. Bedovitz, Executive Director

Commissioner Victor Calvo,
being necessarily absent, did
not participate

Decision 83 01 064

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