

ORIGINAL

Decision S3 05 100 MAY 18 1983

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 East Hercules
 Underpass (BR. No. 28-284) on the
 Atchison, Topeka and Santa Fe
 Railway Company tracks as part of
 a proposed project to realign State
 Route 4 in the City of Hercules in
 Contra Costa County.

Application 83-02-39
 (Filed February 16, 1983)

O P I N I O N

As part of the project to realign a portion of State Route 4, the State of California, Department of Transportation (Caltrans), requests authority to construct the East Hercules Underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line near Hercules, Contra Costa 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 Environmental Impact Report (EIR), Caltrans approved the project. On March 24, 1983, 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 reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

The project involves realignment of approximately one mile of State Route 4 in and near the City of Hercules. The proposed underpass lies outside city limits near the easterly end of the project. The highway is planned to be a two-lane facility within the foreseeable future, but the underpass will provide horizontal clearance to accommodate a possible four-lane road.

The new highway will improve traffic safety by providing smoother alignment and bypassing an existing narrow underpass (Crossing 2-1179.7-B), which will remain in service to accommodate local circulation.

By protest filed March 14, 1983, AT&SF objected to construction of a cast-in-place prestressed concrete structure. AT&SF stated that, in the event of damage, a precast prestressed concrete structure would require considerably less time to replace than one cast in place. By letter of April 15, 1983 AT&SF stated it had negotiated agreement with Caltrans and withdrew its protest.

There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the East Hercules Underpass under the tracks of AT&SF's main line near Hercules, Contra Costa County.

2. Construction of the East Hercules Underpass is required as part of the project to realign State Route 4.

3. Public convenience, necessity and safety require construction of the East Hercules Underpass.

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 reviewed and considered the lead agency's EIR.

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 East Hercules Underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line near Hercules, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-1179.2-B.

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

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into among the parties. A copy of the agreement, together with the plans of the crossing approved by AT&SF, 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.

4. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission in writing of the completion of the work authorized.

A.830239 T/AA/BW/WPSC

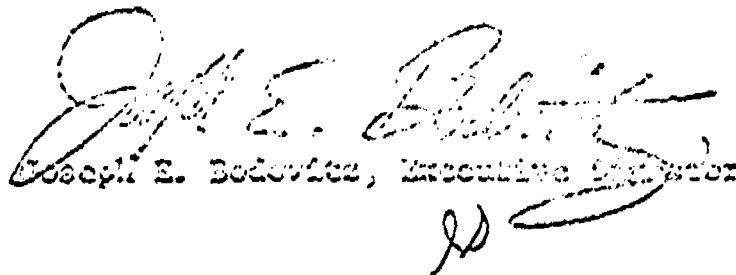
This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 18 1983 at San Francisco, California.

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

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


Joseph E. Bedovics, Executive Director