

T/RWS/SR/WPSC

Decision 83 09 056 SEP 7 1983**ORIGINAL**

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 widening of an existing
 crossing at separated grades known
 as "Commercial Street Overhead"
 (BR. No. 57-447), over the San
 Diego and Arizona Eastern Trans-
 portation Company's track in
 City of San Diego.

Application A.83-06-55
 (Filed June 27, 1983)

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to widen the Commercial Street Overhead over the tracks of San Diego and Arizona Eastern Transportation Company's (SD&AE) La Mesa Branch Line in San Diego, San Diego County.

The proposed widening of the Commercial Street Overhead is part of a project to improve a portion of Interstate Route 5 in the City of San Diego from the State Route 75 northbound on-ramp to the Imperial Avenue on-ramp. The widening of the overhead will permit the addition of a northbound auxiliary lane to carry vehicular traffic over SD&AE's track.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. Caltrans has

determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.^{1/}

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

Notice of the application was published in the Commission's Daily Calendar on June 29, 1983. 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 widen the Commercial Street Overhead over the tracks of SD&AE's La Mesa Branch Line in San Diego, San Diego County.
2. Widening of the Commercial Street Overhead is required to permit the addition of an auxiliary lane to carry vehicular traffic over SD&AE's tracks.
3. Public convenience and necessity require widening of the Commercial Street Overhead.
4. Caltrans is the lead agency for this project under CEQA, as amended.

^{1/} Section 12080.13 was added to the PR Code by Chapter 58, Statutes 1982, as an urgency statute effective February 18, 1982.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

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

7. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Adm. 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 State of California, Department of Transportation (Caltrans), is authorized to widen the Commercial Street Overhead over the tracks of San Diego and Arizona Eastern Transportation Company's (SD&AE) La Mesa Branch Line in San Diego, San Diego County, at the location and substantially as shown by plans attached to the application, identified as Crossing 36D-1.57-A.

2. Clearances shall be in accordance with General Order 26-D.

3. 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.

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 SD&AE, 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 of the work under this order, Caltrans shall notify the Commission in writing that the authorized work has been completed.

A.83-06-55 T/RWS/SR/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.

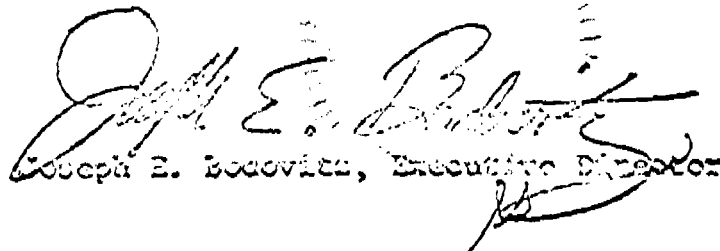
Dated SEP 7 1983, at San Francisco, California.

Commissioner William T. Bagley
being necessarily absent, did
not participate.

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