

Decision No. 87125

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
Department of Transportation, for an)
order authorizing the construction of)
the Mulford Overhead, Public Utilities)
Commission 1976-77 Grade Separation)
Priority No. 8, State Route 112 (Davis)
Street) over the tracks of the Southern)
Pacific Transportation Company,)
eliminating Grade Crossing Nos. L-14.9)
and L-15.3C, City of San Leandro,)
County of Alameda.)

Application No. 56958
(Filed December 22, 1976)
(Amended February 23, 1977)

O P I N I O N

The State of California, Department of Transportation, requests authority to construct a grade separation structure, to be known as the "Mulford Overhead" (State Route 112-Davis Street), over the tracks of the Southern Pacific Transportation Company in the City of San Leandro, Alameda County.

The priority list of grade separation projects for the fiscal year 1976-77, as set forth in Decision No. 85991 dated June 22, 1976, shows this project as Priority No. 8. In order that this project may qualify for fiscal year 1976-77 grade separation funds, applicant requires an order from the Public Utilities Commission authorizing construction which is effective prior to April 1, 1977. Applicant, therefore, requests that the usual twenty-day waiting period be waived.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the California Highway Commission approved the project and on February 16, 1977, filed a Notice of Determination with the Secretary for Resources which found that "The project will not have a significant effect on the environment."

Notice of the application and the amendment were published in the Commission's Daily Calendar on December 27, 1976 and on February 24, 1977, respectively. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct the "Mulford Overhead" (State Route 112-Davis Street), over the tracks of the Southern Pacific Transportation Company in the City of San Leandro, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing L-14.9-A.
2. Clearances should be in accordance with General Order 26-D.
3. Walkway areas should conform to General Order 118. Walkway areas adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.
4. Upon completion of the project, the existing at-grade crossings of Davis Street (Crossing L-14.9 and Crossing L-15.3-C) should be abandoned and physically closed.
5. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto. A copy of said agreement, together with plans of the crossing approved by the Southern Pacific Transportation Company, should 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. The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on February 16, 1977, approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination

in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

7. In order to qualify for fiscal year 1976-77 grade separation funds, applicant requires an order of the Commission authorizing construction of the project which is effective prior to April 1, 1977; therefore, the usual twenty-day waiting period should be waived.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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, is authorized to construct the "Mulford Overhead" over the Southern Pacific Transportation Company's tracks in the City of San Leandro, Alameda County, as set forth in the findings of this decision.
2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

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

A. 56953 VVB

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd
day of MARCH, 1977.

Robert Bateman

President

William S. Givens, Jr.

Vernon L. Stinson

Alan D. Givens

Charles D. Givens

Commissioners