

T/SD

Decision No. 91991 JUL 2 1980

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
a crossing at separation of grade over
the tracks of the Southern Pacific
Transportation Company's Elmhurst to
Santa Clara County mainline track at
approximate Railroad Mile Post 28.72
and Highway Station J3 429+16.029 in
connection with the construction of
State Highway Route 84 on new alignment
in the City of Newark, County of
Alameda.

ORIGINAL

Application No. 59389
(Filed January 18, 1980)

O P I N I O N

As part of the Dumbarton Bridge Replacement Project on State Highway Route 84 in Alameda and San Mateo Counties from Route 17 in Fremont to Route 101 in Menlo Park, the State of California, Department of Transportation, requests authority to construct a grade separation structure, to be known as the "State Route 84 Newark Overhead", over the tracks of Southern Pacific Transportation Company's Main Line in the City of Newark, Alameda County.

The California Department of Transportation is the lead agency for the Dumbarton Bridge Replacement Project on Route 84 in Alameda and San Mateo Counties, pursuant to the California Environmental Quality Act of 1970, as amended (CEQA), Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the California Department of Transportation approved the project and on May 23, 1974, filed a Notice of Determination with the Secretary for Resources which found that "The project will have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Environmental Impact Report. The site of the proposed grade separation has also been inspected by the Commission staff.

The original Dumbarton Bridge was built in 1927 when the San Francisco Peninsula and East Bay areas connected by it were still largely rural. Over the years, the bridge has played an integral part in establishing urban growth and transportation patterns in the area. The existing bridge has become obsolete and the proposed project would overcome the deficiencies associated with motorists' safety, traffic capacity, land capacity, navigational interference, structure maintenance and traffic routing.

Adverse effects of the proposed project include the loss of farmland, a minor decrease in air quality, a decrease in the amount of land available for recreational activities, increased noise at specific locations and minor disruption of existing businesses. Mitigation measures include the Relocation Assistance and Relocation Payment Programs, sound barriers, architectural design, landscaping, and construction controls.

Notice of the application was published in the Commission's Daily Calendar on January 31, 1980. 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 "State Route 84 Newark Overhead" over the tracks of Southern Pacific Transportation Company's Main Line in the City of Newark, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing L-28.7-A.
2. Clearances should 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 should be authorized, and Southern Pacific Transportation Company should 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.
3. Applicant should notify the Commission and Southern Pacific Transportation Company at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways should conform to General Order 118. Walkways 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.

5. Construction and maintenance costs of the "State Route 84 Newark Overhead" should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of the agreement, together with plans of the crossing approved by 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. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report and Notice of Determination.

8. This project will have a significant effect on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts.

C O N C L U S I O N

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 "State Route 84 Newark Overhead" over the tracks of Southern Pacific Transportation Company's Main Line in the City of Newark, 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.

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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.

The effective date of this order shall be thirty days after the date hereof.

Dated JUL 2 1980, at San Francisco, California.

John E. Bryan
President
William L. Stevenson
Richard W. Hinkle
Charles J. Schuch
James M. Smith
Commissioners