

Decision 95-09-036 September 7, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County)	
Transit District (CIS 410.14.4) for an)	
order authorizing construction of an)	Application 94-12-034
at-grade crossing of Lawrence Expressway))	(Filed December 15, 1994)
by the Light Rail Transit line of the)	
Tasman Corridor Project in the City of)	
Sunnyvale, County of Santa Clara.)	

ORIGINAL

O P I N I O N

As part of the project to construct a 12-mile extension to its Light Rail Transit (LRT) system, the Santa Clara County Transit District (SCCTD) requests authority to construct two tracks at-grade across Lawrence Expressway in Sunnyvale, Santa Clara County.

The extension, known as the Tasman Corridor, is a double track line constructed for most of its length in the median of existing arterial streets. It is planned to extend from Castro Street in Mountain View to the area in northeast San Jose just past the Hostetter Road intersection with Capitol Avenue, connecting with the existing SCCTD LRT system on Tasman Drive between Great America Parkway and North First Street.

SCCTD 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 a Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/R), SCCTD filed a Notice of Determination with the Santa Clara County Clerk on January 12, 1993, which found that "The project will have a significant effect on the environment," and "Mitigation measures were made a condition of approval of the project" and "A statement of Overriding Considerations was adopted for the project."

Major impacts include elimination of bicycle lanes and landscape trees on some portions of the route, increased traffic noise, and disturbance of two National Historic Place sites. Mitigation measures include implementation of an alternative route bike path, tree replacement, construction of noise walls, and Historic Properties data recovery.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's FEIS/R. The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public street. A sketch of the project vicinity is included as Appendix A.

The site of the proposed project has been inspected by the Commission's Safety & Enforcement Division Traffic Engineering staff. The staff examined the need for and safety of the proposed grade crossing, and recommends issuance of an ex parte order authorizing construction as requested.

Due to the large scope of the Tasman Corridor project, SCCTD requests that the time authorization be extended to four years to facilitate its construction schedule.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on January 4, 1995. No protests have been filed.

2. SCCTD requests authority under Public Utilities Code Sections 1201-1205 to construct two tracks across Lawrence Expressway in Sunnyvale, Santa Clara County.

3. The crossing is an essential element of Tasman Corridor extension of the SCCTD LRT system.

4. Public convenience, necessity, and safety require construction of the crossing across Lawrence Expressway.

5. SCCTD is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FBIS/R.

7. The project will have a significant impact on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Santa Clara County Transit District (SCCTD), is authorized to construct its tracks across Lawrence Expressway in Sunnyvale (City), Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 82B-7.40.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.

3. Maintenance of the crossing shall conform to GO 72-B.

4. Clearances and walkways shall conform to GO 143-A.

5. Protection at the crossing and the adjacent intersection of Tasman Drive with Lawrence Expressway shall be vehicular and pedestrian traffic signals and signage. Signals shall be preempted by train movements to avoid conflicting aspects.

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 City, shall be filed by SCCTD with the Commission's Safety & Enforcement Division 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 of the work under this order, SCCTD shall advise the Commission's Safety & Enforcement Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within four 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.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated SEPT 7, 1995 at Los Angeles, California.

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

Commissioners

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

Wesley Franklin
Acting Executive Director

