

S&E/ELB

**ORIGINAL**

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FIN.  
DIE STEIN  
AUFMAN  
SYLVESTER  
KREIER  
GRANT

Decision 95-11-016 November 8, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County Transit District (CIS 110.07.4) for an order authorizing construction of at-grade crossings with one (1) flashing light and gate (Standard No. 9) at the US Highway 101 Northbound Off-Ramp and two (2) flashing lights and gates (Standard No. 9) at the Southbound On-Ramp by the Light Rail Transit line of the Tasman Corridor Project in the County of Santa Clara.

Application 95-01-011  
(Filed January 19, 1995)

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 light rail tracks (LRT) at-grade across the Northbound Off-Ramp and Southbound On-Ramp to US Highway 101 in the County of Santa Clara. These tracks will be located adjacent to an existing single track spur line that connects several railroad customers including NASA's Ames facilities with Southern Pacific Transportation Company's (SPT) Coast main line.

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 the 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 crossings, 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 23, 1995. No protests have been filed.

2. SCCTD requests authority under Public Utilities Code Sections 1201-1205 to construct two tracks at grade across US Highway 101 Northbound Off-Ramp and US Highway 101 Southbound On-Ramp.

3. The crossings are essential elements of Tasman Corridor extension of the SCCTD LRT system.

4. Public convenience, necessity, and safety require construction of the crossings across US Highway 101 Northbound Off-Ramp and Southbound On-Ramp.

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 FEIS/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.

Conclusion 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 at grade across US Highway 101 Northbound Off-Ramp and Southbound On-Ramp in the County of Santa Clara (County), at the locations and substantially as shown by

plans attached to the application, to be identified as Crossing 82B-11.69 and 82B-11.76 respectively.

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

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

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

5. Protection for the SCCTD LRT system at the US Highway 101 Northbound Off-Ramp and US Highway 101 Southbound On-Ramp crossings shall consist of two standard No. 9 automatic gate-type signals (GO 75-C). Protection for the existing SPT track which consists of one Standard No. 8 and one Standard No. 8A automatic signals (GO 75-C) shall remain in place. Traffic signals within 200 feet of the gate-type signals shall be pre-empted by train movements to avoid conflicting aspects. The movement of light rail vehicles (LRV) at these crossings shall be controlled by signals which are for the exclusive use of LRV's.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the SCCTD, State of California, Southern Pacific Transportation Company, and Santa Clara County. A copy of the agreement, together with plans of the crossings approved by the parties, shall be filed 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 November 8, 1995, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

