

Decision 96-02-019 February 7, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, )  
Department of Transportation, for an )  
order authorizing the Department to: )  
Construct a Portion of the )  
East Bay Viaduct/Interstate I-80. )  
The concerned tracks are the property )  
of the Southern Pacific Transportation )  
Company, The Atchison, Topeka and )  
Santa Fe Railway and the United States )  
Army located in the City of Oakland, )  
County of Alameda, State of California. )

Application 94-06-033  
(Filed June 20, 1994)  
(Amended July 28, 1994)

**ORIGINAL**

O P I N I O N

As part of the project to construct portions of the Interstate (I) 880/Cypress Freeway on new alignment, the State of California, Department of Transportation (Caltrans), requests authority to construct sections of I-880; including the West Grand Avenue Viaduct (two structures), and portions of the East Bay Viaduct with On/Off Ramps (four structures), over the tracks of the Southern Pacific Transportation Company's (SP) Ogden Route main line and The Atchison, Topeka and Santa Fe Railway Company's (ATSF) Oakland District spur line in Oakland, Alameda County, as set forth in Appendix A.

An amendment to the original application was filed on July 28, 1994 to include The Oakland Terminal Railway (OTR), the railroad operating over the ATSF tracks.

The I-880/Cypress Freeway replacement project will restore a regional transportation network damaged in the 1989 Loma Prieta Earthquake. This is one of several crossing applications filed corresponding to the highway construction contracts for the freeway replacement project. The freeway reconstruction involves replacing demolished structures with other structures on slightly different alignment. Some railroad tracks will be relocated. Some railroad

crossings will cease to exist, some will be replaced at virtually the same milepost, and several new crossings will be created.

This application involves replacement of the southern half of the existing West Grand Avenue Overhead with new structures; the removal of some crossings of West Grand Avenue and the I-880/580 Distribution structures, and replacement with several new freeway mainline and ramp structures comprising several new crossings. Some of the structures will cross over tracks of the United States Army, Oakland Army Base, not under the Commission's jurisdiction. The replacement of the northern half of the existing West Grand Avenue Overhead is covered in Application 94-03-031.

Caltrans 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 an Environmental Impact Statement/Report (EIS/R), Caltrans approved the project. On October 25, 1991, a Notice of Determination was filed with the Office of Planning and Research 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." A statement of overriding considerations was adopted for the project.

Major negative impacts include housing and business displacement, loss of parking, increased noise, temporary wetlands disruption, temporary traffic disruption and potential hazardous material exposure. Mitigation measures include business and housing relocation, parking garage construction, sound barriers, wetlands habitat restoration and expansion, temporary traffic detours and possible hazardous waste cleanup.

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

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38,

which relates to constructing a public highway across a railroad. A sketch of the crossing area is included as Appendix B.

The Commission's Safety and Enforcement Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted. Due to the complexity of the design staff recommends that the applicant be allowed five years to complete the project.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on June 22, 1994. Notice of the amended application was published on July 8, 1994. No protests have been filed.

2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct sections of I-880; including the West Grand Avenue Viaduct, and portions of the East Bay Viaduct with On/Off Ramps at separated grades over SP's Ogden Route main line and ATSF's Oakland District spur line in Oakland, Alameda County.

3. Construction of the Viaducts and Ramps is required to restore a regional transportation network damaged in the 1989 Loma Prieta Earthquake.

4. Public convenience, necessity, and safety require replacement of the I-880/Cypress Freeway. Caltrans is urgently awaiting authority to begin construction and has requested that the authority be granted effective on the date of signature.

5. Caltrans 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 EIS/R.

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.

3. The requested authority should be granted as soon as possible.

ORDER

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to construct portions of the Interstate 880; including the West Grand Avenue Viaduct, and portions of the East Bay Viaduct with On/Off Ramps, over the tracks of the Southern Pacific Transportation Company's (SP) Ogden Route main line and The Atchison, Topeka and Santa Fe Railway Company's (ATSF) Oakland District spur line, operated upon by The Oakland Terminal Railway (OTR) in Oakland, Alameda County, as set forth in Appendix A and Appendix B.

2. Clearances shall be in accordance with General Order (GO) 26-D, except for temporary impaired clearances as listed in paragraphs 3 and 5 below.

3. During the period of construction of Crossing A-6.62-AC (see Appendix A) a clearance of not less than 18' 6" above top of rail shall be authorized, and of Crossing A-6.51-AC a clearance of not less than 20' 0" above top of rail shall be authorized. SP shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Safety and Enforcement Division limiting the height of loads beneath the structure.

4. Caltrans shall notify the Commission's Safety and Enforcement Division and SP at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. During the period of construction of Crossings 2K-12.53-AC and 2K-12.21-AC a clearance of not less than 21' 6" above top of

rail shall be authorized. OTR shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Safety and Enforcement Division limiting the height of loads beneath the structure.

6. Caltrans shall notify the Commission's Safety and Enforcement Division and ATSF and OTR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

7. Walkways shall conform to GO 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.

8. 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 crossings approved by ATSF, OTR and SP, shall be filed by Caltrans with the Commission's Safety and Enforcement Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

9. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within five 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.

11. The Executive Director shall serve a copy of this order on SP, ATSF and OTR so that the railroad companies are informed of the obligation herein imposed.

12. The application is granted as set forth above.  
This order becomes effective today.  
Dated FEB 7, 1996, at San Francisco, California.

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

APPENDIX A

As part of the project to repair the I-880/Cypress freeway damaged in the 1989 Loma Prieta earthquake, the State of California, Department of Transportation, proposes to reconstruct demolished portions on new alignment. This application involves realignment of existing tracks; replacement of the southern half of the existing West Grand Avenue Overhead with new structures; the removal of some crossings of West Grand Avenue and the I-880/580 Distribution structures, and replacement with a new elevated frontage road and new freeway mainline and ramp structures comprising several new crossings. Some of the structures will cross over tracks of the United States Army (Army), Oakland Army Base, not under the Commission's jurisdiction. In connection therewith, the following railroad-highway crossing projects are proposed at separated grades over the tracks of Southern Pacific Transportation Company's (SP) Ogden Route main line and The Atchison, Topeka and Santa Fe Railway Company's (ATSF) Oakland District spur line in Oakland, Alameda County, as shown on plans attached to the application:

1. Construct the southern portion of the West Grand Avenue Viaduct over five Army tracks; over five SP mainline tracks to be identified as crossing A-5.85-A; over one ATSF spur track to be identified as crossing 2K-12.53-AC; over one SP spur track to be identified as crossing A-6.51-AC; and rebuilt over three ATSF spur tracks identified as crossing 2K-12.21-AC.

2. Construct the frontage road portion of the West Grand Avenue Viaduct over one SP spur track to be identified as crossing A-6.62-AC; and one ATSF spur track to be identified as crossing 2K-12.24-AC.

3. Construct the East Bay Viaduct Off Ramp over one ATSF spur track to be identified as crossing 2K-11.68-AC; one SP spur track to be identified as crossing A-6.21-AC; two SP mainline tracks to be identified as crossing A-6.16-A; three SP mainline tracks to be identified as crossing A-6.11-A; one ATSF spur track to be identified as crossing 2K-11.80-AC; three SP mainline tracks to be identified as crossing A-6.03-A; two SP mainline tracks to be identified as crossing A-5.98-A; and one SP spur track to be identified as crossing A-6.40-AC.

4. Construct the East Bay Viaduct left bridge over one SP spur track to be identified as crossing A-6.28-AC; one ATSF spur track to be identified as crossing 2K-11.71-AC; one ATSF spur track to be identified as crossing 2K-11.74-AC; one ATSF spur track to be identified as crossing 2K-11.70-AC; and five SP mainline tracks to be identified as crossing A-6.33-A.

5. Construct the East Bay Viaduct right bridge over one ATSF spur track to be identified as crossing 2K-12.28-AC; one SP spur track to be identified as crossing A-6.55-AC; one ATSF spur track to be identified as crossing 2K-11.79-AC.

6. Due to the reconstruction of the West Grand Avenue Viaduct on slightly different alignment, remove the SP mainline crossing identified as A-5.84-A and the ATSF spur crossing identified as 2K-12.2-AC . Due to the realignment of I-880, remove the SP spur crossing identified as A-6.54-AC.



## West Grand Avenue Viaduct

- A. A-5.85-A
- B. 2K-12.53-AC
- C. A-6.51-AC
- D. 2K-12.21-AC

## Frontage Road

- E. A-6.62-AC
- F. 2K-12.24-AC

## East Bay Viaduct Off Ramp

- G. 2K-11.68-AC
- H. A-6.21-AC
- I. A-6.16-AC
- J. A-6.11-A
- K. 2K-11.80-AC
- L. A-6.03-A
- M. A-5.98-A
- N. A-6.40-AC

## East Bay Viaduct left bridge

- O. A-6.28-AC
- P. 2K-11.71-AC
- Q. 2K-11.74-AC
- R. 2K-11.70-AC
- S. A-6.33-A

## East Bay Viaduct right bridge

- T. 2K-12.28-AC
- U. A-6.55-AC
- V. 2K-11.79-AC

