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Decision _____

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 the Hudner Overhead located)
 in and near the City of Hollister, San)
 Benito County, State of California.)

Application 95-08-056
 (Filed August 24, 1995)

O P I N I O N**ORIGINAL**

As part of the project to construct the Route 156 expressway around Hollister, the State of California, Department of Transportation (Caltrans), requests authority to construct the Hudner Overhead at separated grades over the tracks of the Southern Pacific Transportation Company's (SP) Hollister branch line near Hollister, San Benito County.

The Route 156 expressway project bypasses the city of Hollister, alleviating noise, traffic and congestion and reducing the accident rate in and near the city. This application involves constructing the Hudner Overhead across the SP tracks.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an Environmental Impact Statement/Report (EIS/R), Caltrans approved the project. On January 30, 1992, 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 displacement, increased noise, temporary wetlands disruption and visual impacts.

Mitigation measures include housing relocation, sound barriers, wetlands habitat restoration and landscaping.

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 A.

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.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on October 6, 1995. No protests have been received. A public hearing is not necessary.

2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct Hudner Overhead across SP's Hollister branch line near Hollister, San Benito County.

3. Construction of the Overhead is required as part of the Route 156 bypass around Hollister.

4. Public convenience, necessity, and safety require construction of the Route 156 bypass.

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.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to construct Hudner Overhead over the tracks of the Southern Pacific Transportation Company's (SP) Hollister branch line near Hollister, San Benito County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing EB-91.8-A.

2. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 21' 6" above top of rail shall be authorized and 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.

3. 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.

4. 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.

5. 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 SP shall be filed 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.

6. 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:

7. 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.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A

