

S&E/LGB

Decision 96-06-024 June 6, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Luis)
Obispo for an order authorizing)
construction of a crossing at separated)
grades between Osos/Jennifer Street and)
the tracks of the Southern Pacific)
Transportation Company sometimes)
referred to as the "Jennifer Street)
Pedestrian/Bicycle Bridge".)

ORIGINAL

Application 96-02-026
(Filed February 13, 1996)

O P I N I O N

As part of a project to improve bicycle access through the downtown area, the City of San Luis Obispo (City) requests authority to construct the Jennifer Street Pedestrian Overhead at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Coast Route main Line in San Luis Obispo, San Luis Obispo County.

The project is located adjacent to the Amtrak station in the historical downtown area of San Luis Obispo. An at grade crossing at this site was closed in 1958 in conjunction with opening the Johnson Avenue Underpass. Pedestrians and bicyclists have continued to cross the tracks at the site as a short cut between downtown and a nearby residential area. As part of a project to extend Amtrak to San Luis Obispo, SPT installed a fence along the right of way. Safe pedestrian and bicycle access will be reinstated with the Jennifer Street Pedestrian Overhead.

City 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 Initial Study, City prepared a Mitigated Negative Declaration and approved the project. On November 20, 1995 a Notice of Determination was filed with the Office of Planning and Research which found that "The project will not have a significant

effect on the environment," and "Mitigation measures were made a condition of the approval of the project."

Major impacts include the existence of hazardous materials at the construction site; archeological/historical disturbance and possible aesthetic incompatibility. Mitigation measures will include survey and removal of hazardous materials; an archeological survey and an architectural review.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Mitigated Negative Declaration.

The site of the proposed project has been inspected by the Safety and Enforcement Division's Traffic Engineering staff. The staff examined the need for and safety of the proposed construction and recommends issuance of an ex-parte order authorizing construction of the proposed pedestrian overhead.

City has met the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 16, 1996. No protests have been filed. A hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct the Jennifer Street Pedestrian Overhead at separated grades over the tracks of SPT's Coast Route main Line in San Luis Obispo, San Luis Obispo County.

3. The proposed overhead is required to provide a safe and dependable route for pedestrians between Jennifer Street and Osos Street.

4. Public convenience, necessity, and safety require construction of the Jennifer Street Pedestrian Overhead.

5. City 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 Initial Study and Mitigated Negative Declaration.

7. The project will not have a significant effect on the environment after implementation of the proposed mitigation measures.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. The City of San Luis Obispo (City) is authorized to construct the Jennifer Street Pedestrian Overhead at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Coast Route main Line in San Luis Obispo, San Luis Obispo County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-252.1-AD.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. 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.

4. 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 SPT, shall be filed with the Commission's Safety and 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.

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

6. This authorization shall expire if not exercised within three 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.

7. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUNE 6 1996, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

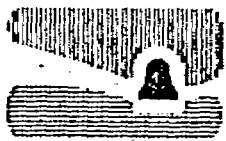
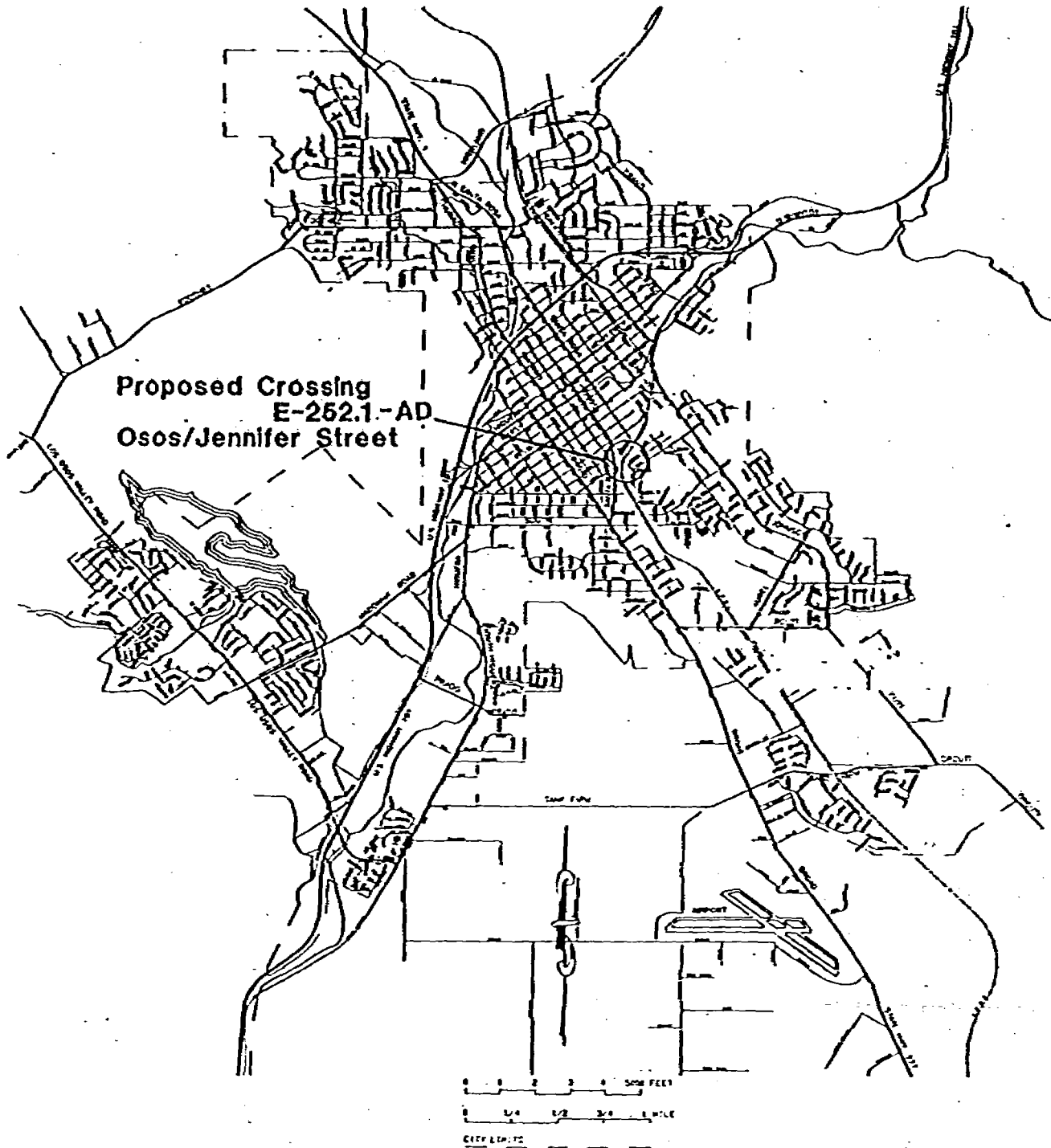
HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

Commissioner Daniel Wm. Fessler,
being necessarily absent, did not
participate.

APPENDIX A



**City of
San Luis Obispo**

**PUBLIC UTILITIES COMMISSION
JENNIFER STREET BRIDGE
VICINITY MAP**