

Decision 97-04-025 April 9, 1997

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 portions of the Port of)

Oakland Viaduct and construct six)

footings and columns from Contract "F")

in advance of the East Bay Viaduct-Off)

Ramp/East Bay Viaduct-Left Bridge,)

located in the City of Oakland, County)

of Alameda, State of California.)

Application 94-02-040
 (Filed February 24, 1994)
 (Amended August 27, 1996)

ORIGINALO 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 the Port of Oakland Connector Viaduct (2 structures), and columns and footings for the East Bay Viaduct-Off Ramp and East Bay Viaduct-Left Bridge, over the tracks of Southern Pacific Transportation Company's (SPT) Ogden Route main line and The Atchison, Topeka and Santa Fe Railway (ATSF) Wood Street Yard south lead track in Oakland, Alameda County, as set forth in Appendix A.

An amendment to the original application was filed on August 27, 1996 to include track changes involving ATSF and The Oakland Terminal Railway Company's (OTR), the operating railroad over ATSF tracks.

The I-880/Cypress Freeway replacement project will restore a regional transportation network damaged in the 1989 Loma Prieta Earthquake. This application involves realigning tracks and constructing the Port of Oakland Connector Viaduct (two structures). The structures will cross over the tracks of the United States Army, Oakland Army Base, not under the Commission's Jurisdiction. After extensive review it was determined that design

changes had occurred since the application was originally filed. ATSF tracks will be relocated under the Port of Oakland Viaduct. Crossings associated with the column footings for the East Bay Viaduct Off-Ramp and Left-Bridge are addressed in Application 94-06-033.

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 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 Rail Safety and Carriers 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 March 4, 1994. Notice of the amended application was published on August 29, 1996. No protests have been received.

2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct portions of the Port of Oakland Connector Viaduct at separated grades over SPT's Ogden Route main line and the ATSF Wood Street Yard south lead track in Oakland, Alameda County.

3. Construction of the Viaducts 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.

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.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to construct portions of the Port of Oakland Connector Viaduct at separated grades over Southern Pacific Transportation Company's (SPT) Ogden Route main line tracks and The Atchison, Topeka and Santa Fe Railway (ATSF) Wood Street Yard south lead track in Oakland, Alameda County, as set forth in Appendix A.

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 crossings approved by SPT and ATSF, shall be filed with the Commission's Rail Safety and Carriers 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.

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

6. 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.

7. The application is granted as set forth above.

8. Application 94-02-040 is closed.

This order becomes effective 30 days from today.

Dated April 9, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A

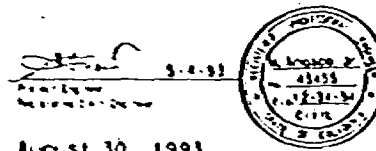
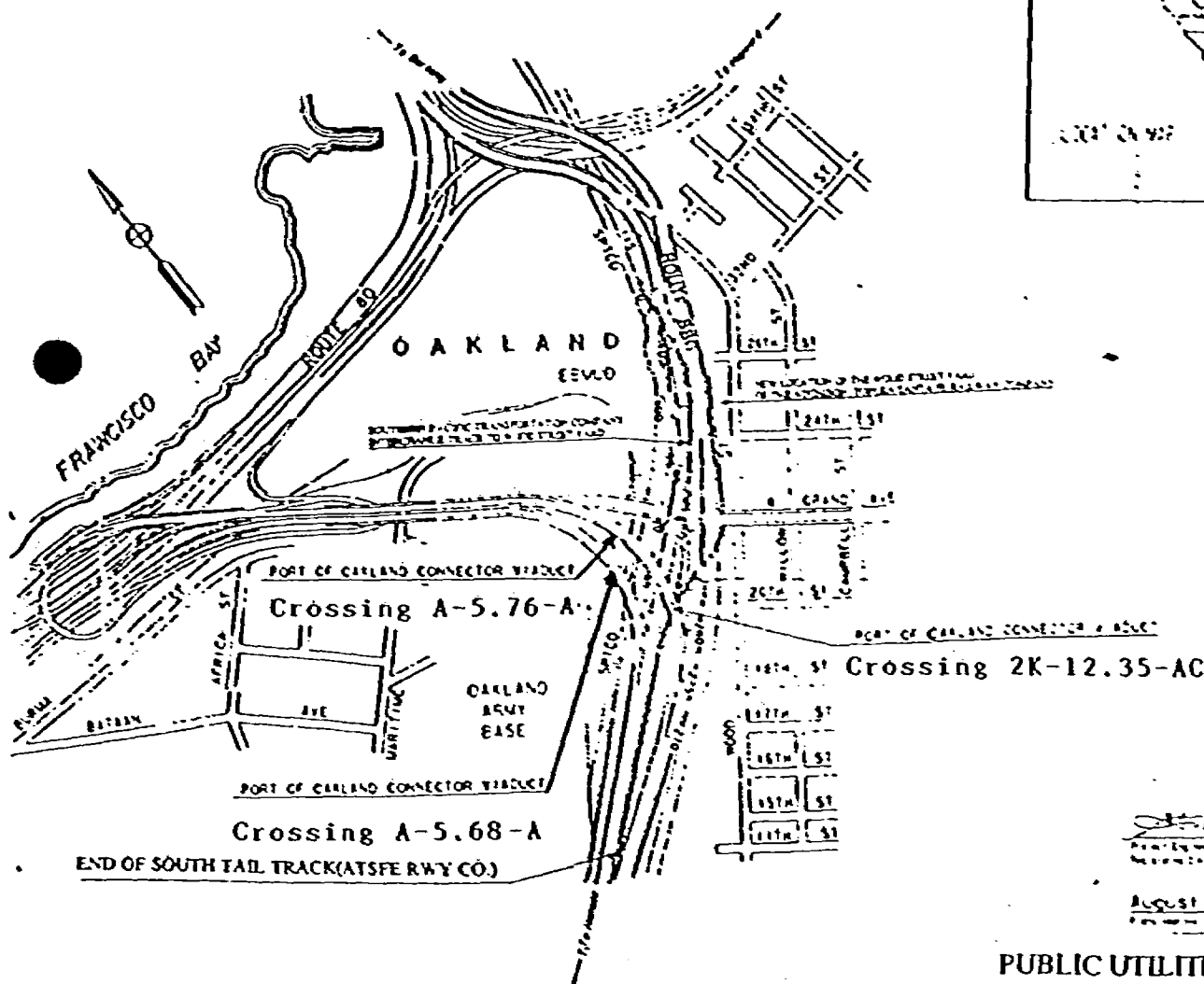
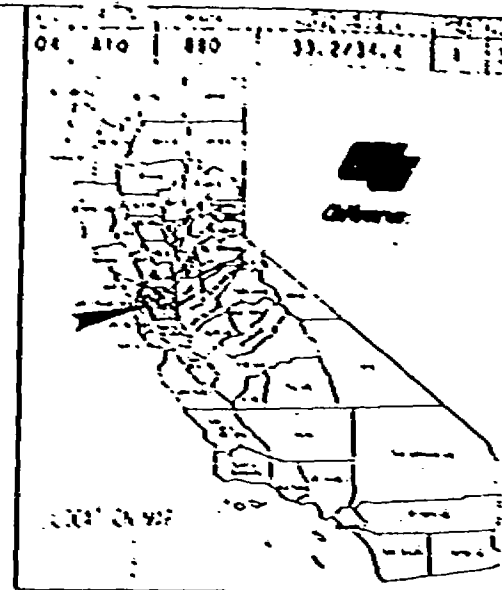
As part of the project to repair the I-880/Cypress freeway damaged in the 1989 Loma Prieta earthquake, the State of California, Department of Transportation, proposes to reconstruct demolished portions on new alignment. In connection therewith, the following railroad-highway crossing projects are proposed at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Ogden Route main line and The Atchison, Topeka and Santa Fe Railway (ATSF) Wood Street Yard south lead track in Oakland, Alameda County, as shown on plans attached to the application:

1. Construct portions of the Port of Oakland Connector Viaduct (2 structures) over SPT's tracks, to be identified as crossings A-5.68-A and A-5.76-A.
2. Construct portions of the Port of Oakland Connector Viaduct (northbound structure) over ATSF's tracks, to be identified as crossing 2K-12.35-AC.

APPENDIX B

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN ALAMEDA COUNTY
IN OAKLAND
FROM 18TH STREET
TO ROUTE 880/580 SEPARATION

ER-1507(003)



PUBLIC UTILITIES COMMISSION
EXHIBIT "B"

FOR REDUCED PLANS
ORIGINAL SCALE IS IN INCHES

USING THE FOLLOWING
DO NOT FILE IN ALAMEDA COUNTY RECORDS

CU 04195

EA 192281