

Decision 97-05-033 May 6, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City & County of)
 San Francisco, for an order authorizing)
 the Reconstruction existing Oakdale)
 Avenue Overhead above the Railroad)
 Company's track Peninsula Corridor)
 Joint Powers Board between Quint Street)
 and Phelps Street, San Francisco City &)
 County, State of California.)

Application 96-10-001
 (Filed October 2, 1996)

ORIGINALO P I N I O N

As part of the project to reconstruct Oakdale Avenue between Quint Street and Phelps Street, the City & County of San Francisco (City) requests authority to reconstruct the existing Oakdale Avenue overhead over the Peninsula Corridor Joint Powers Board's main line tracks in San Francisco.

The new structure is to replace an old and deteriorating existing structure located in a residential/industrial neighborhood in the southeast part of the City. The reconstructed overhead will reduce maintenance expenses, provide vertical clearance exceeding General Order 26D requirements, and continue to provide vehicular access from the Bayview district of the City to highways Interstate 280 and U.S. 101. During construction, traffic will be routed to adjacent streets. Train operations will not be affected. Construction will be coordinated with JPB.

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. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Categorical Exclusion Determination. The application meets the

filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to widening or relocating an existing crossing. A sketch of the crossing area is set forth as Appendix A.

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 grade separated crossing, the staff recommends issuance of an ex-parte order authorizing reconstruction of the overhead.

Findings of Facts

1. Notice of the application was published in the Commission's Daily Calendar on October 3, 1996. No protests have been filed.

2. City requests authority under Public Utilities Code Sections 1201-1205 to reconstruct the Oakdale Avenue Overhead over the Peninsula Corridor Joint Powers Board tracks, in the City and County of San Francisco.

3. The overhead is required to continue to provide access in the south east section of the City where it is located.

4. Public convenience and necessity require reconstruction of the 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 Categorical Exclusion Determination.

Conclusion of Law

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

2. The application is uncontested, and a public hearing is not necessary.

3. The activity is not covered by the requirements set forth in CEQA and, therefore, the guidelines (14 Cal. Admin. Code -

Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

ORDER

IT IS ORDERED that:

1. The City & County of San Francisco (City) is authorized to reconstruct the Oakdale Avenue Overhead over the Peninsula Corridor Joint Powers Board (JPB) tracks at the location and substantially as shown by plans attached to the application, to continue to be identified as Crossing 105E-3.2-A.

2. Clearances shall conform to 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 JPB, shall be filed by City with the Commission's Rail Safety and Carriers 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 Rail Safety and Carriers 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.

8. Application 96-10-001 is closed.

This order becomes effective 30 days from today.

Dated May 6, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

