

Decision 97-05-086 May 21, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Clara)
for an order authorizing modifications)
to an existing grade separated crossing)
of Scott Boulevard at the Peninsula)
Corridor Joint Powers Board main)
commuter line at mile post 42.9 in the)
City of Santa Clara, California)
_____)

Application 97-03-010
(Filed March 10, 1997)

O P I N I O N

The City of Santa Clara (City) requests authority to widen Scott Boulevard Overpass (PUC Crossing No. 105E-42.90-A) across the main line tracks of the Peninsula Corridor Joint Powers Board (JPB) in Santa Clara, Santa Clara County.

The Scott Boulevard Overpass crosses JPB tracks between Monroe Street and Martin Avenue in the city of Santa Clara. The project will add one sidewalk and one bicycle lane in each direction of traffic. The project is part of City's effort to improve pedestrian and bicyclist safety, and overall relief of traffic congestion on this roadway.

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 California Code of Regulations, Title 14, Article 19 Section 15301.

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

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division, Traffic Engineering Section (staff). The staff examined the need for and

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safety of the proposed project and recommends that the sought authority be granted.

Application 97-03-010 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39 which relates to widening or relocation of an existing crossing. A sketch of the crossing project area is set forth as Appendix A.

City states that it wishes to begin construction of the project at the earliest possible date to utilize the construction season and lessen disruption to the public. It has, therefore, requested that the 30-day effective date on an Order be waived. We will make our Order effective immediately.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 14, 1997. No protests have been filed.
2. City requests authority under Public Utilities Code Sections 1201-1205, to widen Scott Boulevard Overhead, Crossing No. 105E-42.90-A across JPB tracks in Mountain View, Santa Clara County.
3. City is the lead agency for this project under CEQA, as amended.
4. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Categorical Exemption.
5. The project will not have a significant effect on the environment.

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 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.

4. The usual 30-day effective date on an Order should be waived as the City wishes to begin construction of the project at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of Santa Clara (City) is authorized to widen Scott Boulevard Overhead across the main line tracks of the Peninsula Corridor Joint Powers Board (JPB) in Santa Clara, Santa Clara County, at the location and substantially as shown on plans attached to the application and Appendix A of this order to be identified as Crossing 105E-42.90-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 plans of the proposed crossing, approved by JPB, together with a copy of the agreement entered into between City, and JPB, shall be filed by City with the Commission's Rail Safety and Carriers Division prior to commencing 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 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

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will apportion the costs of construction and maintenance by further order.

6. Within thirty (30) days after completion of the work under this order, City shall advise the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three (3) 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.

9. Application 97-03-010 is closed.

This order becomes effective today.

Dated May 21, 1997, at Sacramento, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

