

Decision 97-06-029 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County)
 Transit District (CIS 310.37.5) for an)
 order authorizing construction of at-)
 grade crossings with one (1) flashing)
 light and gate (Standard No. 9) at)
 Mathilda Avenue/Java Drive, four (4))
 flashing lights and gates (Standard No.9))
 at 5th Avenue and five (5) flashing)
 lights and gates (Standard No.9) at)
 Lockheed Way, including fire Station No.5)
 entrance only driveway, by the Light Rail)
 Transit line of the Tasman Corridor)
 Project in the City of Sunnyvale, County)
 of Santa Clara.)

ORIGINAL

Application 96-03-035
(Filed March 20, 1996)

O P I N I O N

As part of the project to construct a 12 mile extension to its existing Light Rail Transit (LRT) system, the Santa Clara Valley Transportation Authority (VTA), formerly the Santa Clara County Transit District, requests authority to construct its track at grade across Mathilda Avenue/Java Drive, 5th Avenue, and Lockheed Way, including Fire Station No. 5 driveway (entrance only) in Sunnyvale, Santa Clara County.

The extension, known as the Tasman Corridor Project (project), is a proposed double track line constructed for much of its length in the median of existing arterial streets between Mountain View and East San Jose. The project is to be completed in two phases. Phase 1 will construct the West Extension through Sunnyvale to Downtown Mountain View, and Phase 2 will construct the East Extension and items deferred in the West Extension.

Phase 1 construction, which includes the Mathilda Avenue/Java Drive, 5th Avenue and Lockheed Way crossings, will

extend from Castro Street in Mountain View to the area in northeast San Jose, connecting with the existing VTA LRT system on Tasman Drive. Only one track is to be built during Phase 1 construction, while a second track is to be added as part of Phase 2.

The proposed Lockheed Way crossing may encroach onto the property of Lockheed Martin Missile and Space Company (LMMSC), and the City of Sunnyvale (City). However, VTA has encroachment authorization to establish this LRT line by a letter of intent for the issuance of encroachment permits by LMMSC and the City.

The Fire Station No.5 driveway crossing (entrance only) solely serves City's fire department vehicles. Therefore, this crossing is a private crossing and should not be subject to Commission approval under this application. A private crossing may be established through a construction and maintenance agreement between the private property owner and VTA. The Commission's jurisdiction over private crossings is found in the California Public Utilities Code, Sections 7537 and 7538, and the Commission's General Order 75-C, which specifies the recommended warning devices for installation at rail-highway crossings. Automatic gate type crossing warning devices may also be justified for private crossings with a high traffic volume.

VTA 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 a Final Environmental Impact Statement (FEIS), VTA filed a Notice of Determination with the Santa Clara County Clerk on January 12, 1993, which found that "The project will have a significant effect on the environment," and "Mitigation measures were made a condition of approval of the project."

Major impacts include elimination of bicycle lanes and landscape trees on some portions of the route, increased traffic noise, and disturbance of two National Historic Place sites.

Mitigation measures include implementation of an alternative route bike path, tree replacement, construction of noise walls, and Historic Properties Data recovery.

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

The site of the proposed project has been inspected by the Traffic Engineering Section (staff) of the Commission's Rail Safety and Carriers Division. Staff examined the need for and safety of the proposed grade crossing, and recommends issuance of an ex parte order authorizing construction as requested.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public street. A sketch of the project vicinity is included as Appendix A.

Due to the large scope of the Tasman Corridor project, VTA requests that the time authorization be extended to four (4) years to facilitate its construction schedule.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 21, 1996. No protests have been filed.
2. VTA requests authority under Public Utilities Code Sections 1201-1205 to construct one light rail track across Mathilda Avenue/Java Drive, 5th Avenue and Lockheed Way, including Fire Station No. 5 driveway (entrance only) in Sunnyvale, Santa Clara County.
3. Fire Station No.5 driveway (entrance only) solely serves City of Sunnyvale Fire Department vehicles, which makes it a private crossing not subject to Commission approval in this application.

4. The crossings are essential elements of the Tasman Corridor Project extension of the VTA LRT system.

5. Public convenience, necessity, and safety require construction of the proposed crossings.

6. VTA is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIS.

8. The project will have a significant impact on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

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. Santa Clara Valley Transportation Authority (VTA) is authorized to construct its track at grade across Mathilda Avenue/Java Drive, 5th Avenue, and Lockheed Way in Sunnyvale, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing #'s 82B-9.53, 82B-9.79 and 82B-10.04 respectively.

2. Construction of the crossings shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.

3. Maintenance of the crossings shall conform to GO 72-B.

4. Clearances shall be in accordance with GO 143-A.

5. Protection at these crossings shall consist of one (1) Standard No. 9, as specified in GO 75-C across Mathilda Avenue/Java Drive, four (4) Standard No. 9's across 5th Avenue and four (4) Standard No. 9's across Lockheed Way. Traffic signals at these intersections will be preempted by train movements.

6. Walkways shall conform to GO 118.

7. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between VTA, City of Sunnyvale (City) and Lockheed Martin Missiles and Space Company (LMMSC). A copy of the agreement, together with plans of the crossing approved by City and LMMSC, shall be filed by VTA 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.

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

9. This authorization shall expire if not exercised within four (4) 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.

10. The application is granted as set forth above.

11. Application 96-03-035 is closed.

This order becomes effective 30 days from today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

