

**ORIGINAL**

Decision 97-07-042 July 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County	)	
Transit District (CIS 110.08.4) for an	)	
order authorizing construction of at-grade	)	
crossings with two (2) flashing lights and	)	Application 94-10-041
gates (Standard No. 9) at Fairchild Drive	)	(Filed October 28, 1994)
and four (4) flashing lights and gates	)	
(Standard No. 9) at Middlefield Road by	)	
the Light Rail Transit line of the Tasman	)	
Corridor Project in the City of Mountain	)	
View, County of Santa Clara.	)	
	)	

O P I N I O N

As part of the project to construct a 12 mile extension to its Light Rail Transit (LRT) system, the Santa Clara Valley Transportation Authority (VTA), formerly known as the Santa Clara County Transit District, requests authority to construct its tracks across Middlefield Road and Fairchild Drive in Mountain View, Santa Clara County.

The extension, known as the Tasman Corridor, was planned as a short headway, double track line constructed for much of its length in the median of existing arterial streets. It was planned to extend from Castro Street in Mountain View to the area in northeast San Jose just past the Hostetter Road intersection with Capitol Avenue, connecting with the existing VTA LRT system on Tasman Drive between Great America Parkway and North First Street.

Funding limitations have necessitated that the extension be split into two phases. Current planning is to construct the western portion of the extension, from Tasman Drive to Castro Street in Mountain View, as Phase I. To save costs, portions of this phase are initially to be single track. Phase II would construct the eastern portion of the extension, from Tasman Drive

to Hostetter Road, and add the second track on the single track portions of Phase I.

However, the section of the system from the Central Expressway to US Highway 101, which includes the Middlefield Road and Fairchild Drive crossings, would be double track even in Phase I. In this section there is an existing freight spur track, serving the NASA Ames Research Center. The freight service is to be maintained, using a gantlet track through station platform areas and operating on the eastbound LRT track outside station limits.

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" and "A statement of Overriding Considerations was adopted for 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 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.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division Traffic

Engineering staff. The staff examined the need for and safety of the proposed grade separated crossing, and recommends issuance of an ex parte order authorizing construction as requested.

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

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 4, 1994. A staff protest was filed on December 2, 1994. The protest was withdrawn on May 12, 1997. A public hearing is not necessary.
2. VTA requests authority under Public Utilities Code Sections 1201-1205 to construct its tracks at grade across Middlefield Road and Fairchild Drive in Mountain View, Santa Clara County.
3. The crossings are essential elements of the Tasman Corridor extension of the VTA LRT system, and are required to provide vehicular access to the easternmost portion of Mountain View.
4. Public convenience and necessity require construction of the crossings.
5. Public safety requires that the Middlefield Road crossing be equipped with four Standard No. 9 automatic gate-type signals, and that the Fairchild Drive crossing be equipped with two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
6. Due to the merger of the Southern Pacific Transportation Company with the Union Pacific Railroad (UP), the existing railroad freight spur track serving the NASA Ames Research Center on the right-of-way of the proposed LRT tracks is now owned by the UP.
7. VTA is the lead agency for this project under CEQA, as amended.

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

9. 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), formerly known as the Santa Clara County Transit District, is authorized to construct its tracks at grade across Fairchild Drive in Mountain View (City), Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 82B-11.8. This crossing number will replace the former Southern Pacific Transportation Company (SPT) crossing number for this location, which was E-38.22-C.

2. VTA is authorized to construct its tracks at grade across Middlefield Road in Mountain View, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 82B-12.4. This crossing number will replace the former SPT crossing number for this location, which was E-37.5-C.

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

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

5. Clearances and walkways shall conform to GOs 26-D, 118, and 143-A.

6. Warning devices at the Middlefield Road crossing shall be four Standard No. 9 automatic gate-type signals (GO 75-C).

7. Warning devices at the Fairchild Drive crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).

8. 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 City and Union Pacific Railroad Company, 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.

9. Within 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.

10. 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.

11. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

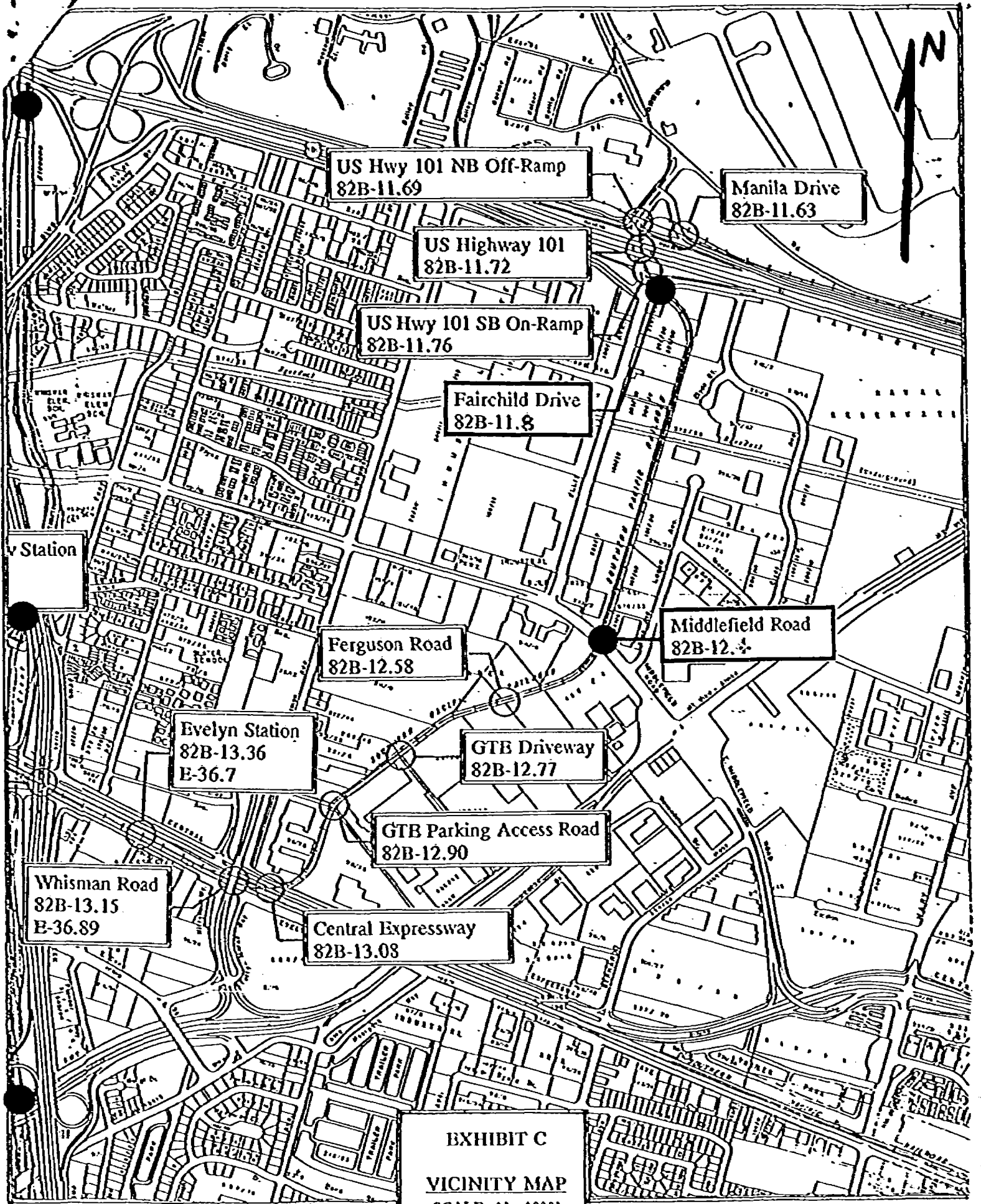


EXHIBIT C

VICINITY MAP

SCALE: 1" = 1000'

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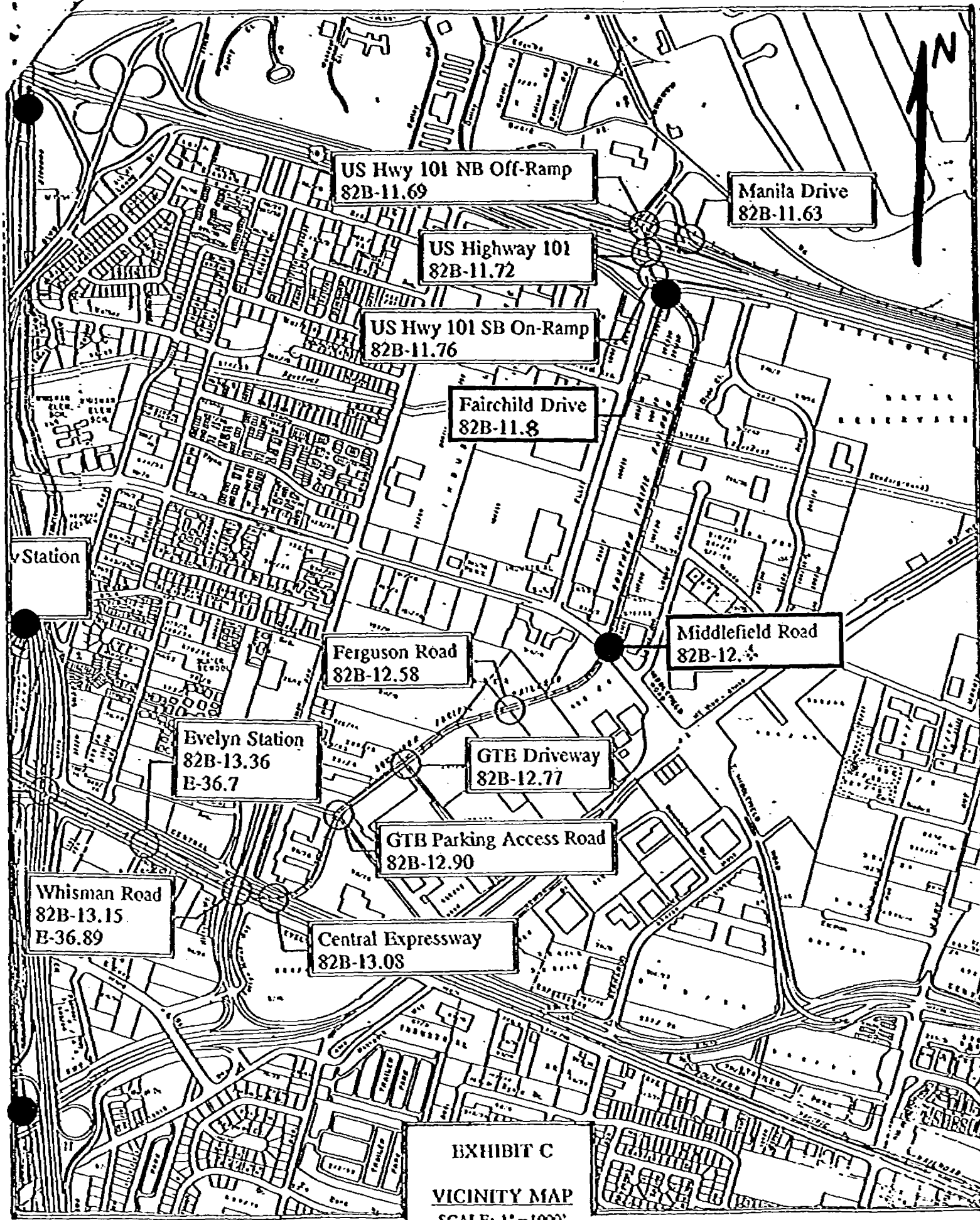


EXHIBIT C  
VICINITY MAP  
SCALE: 1" = 1000'