

Mailed: 7/21/97

ORIGINALDecision 97-07-045 July 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County)
 Transit District (CIS 110.13.4) for an)
 order authorizing construction of a)
 grade separated crossing under State) Application 94-12-028
 Route 85 by the Light Rail Transit line) (Filed December 14, 1994)
 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 at separated grade under State Route 85 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, including the section under State Route 85, are initially to be single track.

Phase two 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. Adding the second

track later under State Route 85 will require relocation of the adjacent, parallel, Peninsula Corridor Joint Powers Board (JPB) tracks.

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. Issuance of an ex parte order authorizing construction as requested is recommended providing Application 94-12-027, requesting authorization of a pedestrian crossing of the JPB tracks to give VTA passengers access to the nearby proposed "Evelyn" LRT Station, is modified to permit

such access only via a grade separated structure. VTA agreed to this condition by letter dated April 3, 1997.

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 January 4, 1995. A staff protest was filed on January 23, 1995. The staff protest was rescinded on May 12, 1997, under the condition that passenger access to the nearby Evelyn Station would be grade separated from the intervening JPB tracks. VTA agreed to the condition by letter dated April 3, 1997.

2. VTA requests authority under Public Utilities Code Sections 1201-1205 to construct its tracks at separated grade under State Route 85 in Mountain View, Santa Clara County.

3. The crossing is an essential element of the Tasman Corridor extension of the VTA LRT system.

4. Public convenience, necessity, and safety require construction of the LRT tracks under State Route 85.

5. VTA 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 FEIS.

7. 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 County Transit District (VTA), is authorized to construct its tracks at separated grade under State Route 85 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-13.5-A.

2. This authorization is granted subject to the condition that Application 94-12-027, requesting authorization for a pedestrian at-grade crossing of the Peninsula Corridor Joint Powers Board tracks to give VTA passengers access to the Light Rail System at the proposed Evelyn Station, shall be withdrawn or modified to allow such access only through a grade separated facility. In the event this condition is not met, this authorization is revoked.

3. Walkways and clearances shall conform to General Order 143-A.

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 the California Department of Transportation ("Caltrans"), 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.

5. 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.

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 94-12-028 is closed.
This order becomes effective 30 days from today.
Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON
President

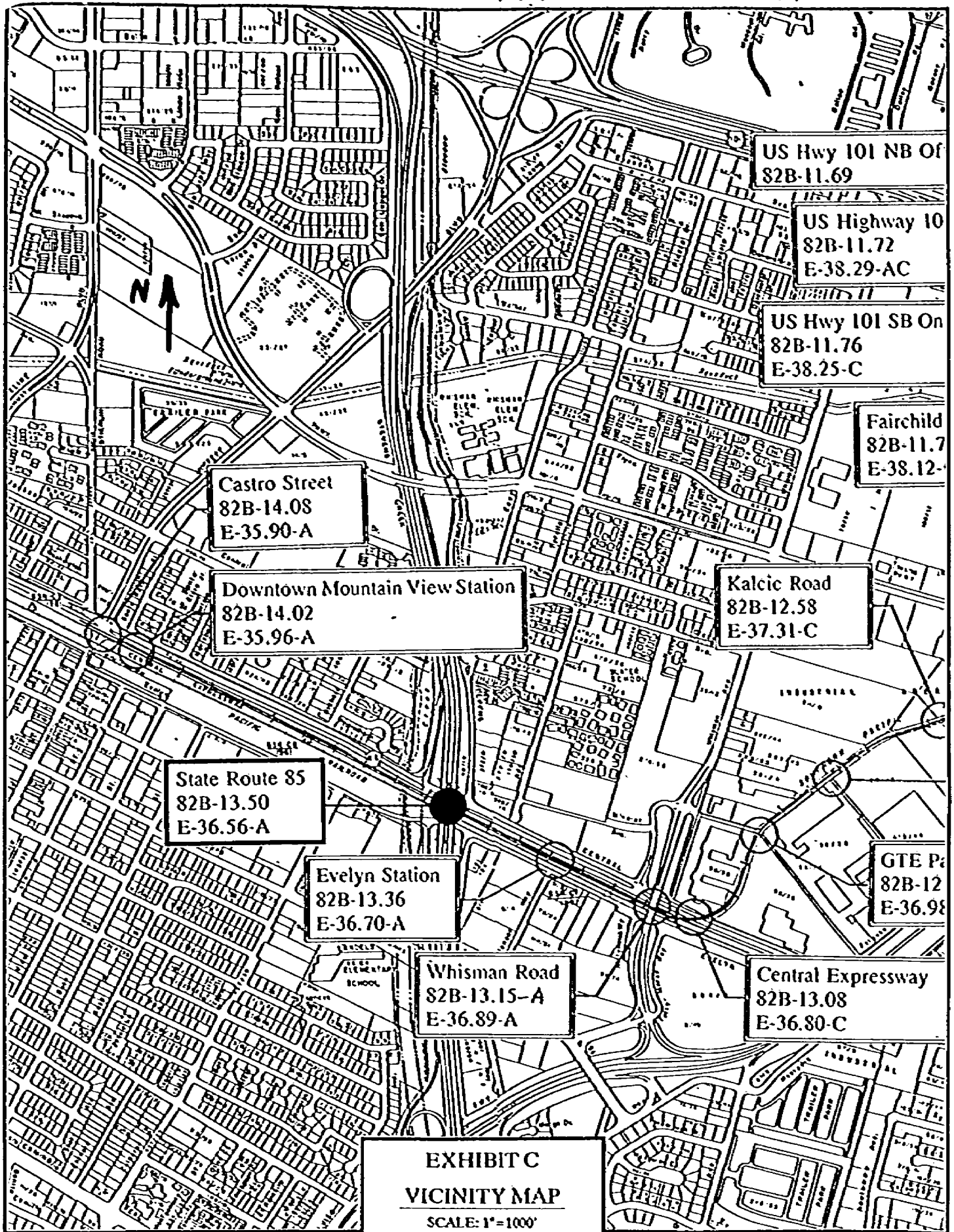
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



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P. GREGORY CONLON
President

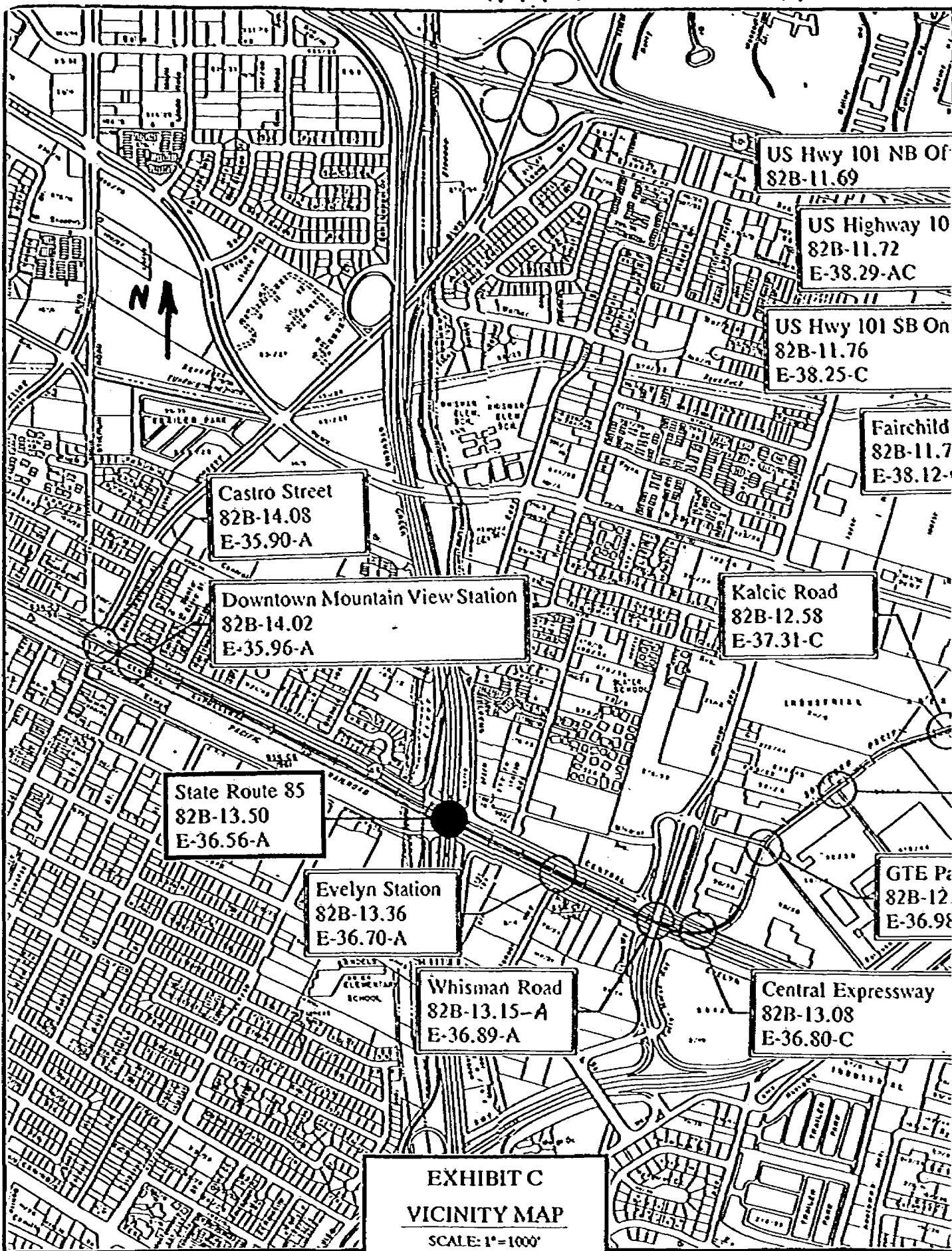
JESSIE J. KNIGHT, JR.

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Commissioners



US Hwy 101 NB Of
82B-11.69

US Highway 10
82B-11.72
E-38.29-AC

US Hwy 101 SB On
82B-11.76
E-38.25-C

Fairchild
82B-11.7
E-38.12-

Castro Street
82B-14.08
E-35.90-A

Downtown Mountain View Station
82B-14.02
E-35.96-A

Kalcic Road
82B-12.58
E-37.31-C

State Route 85
82B-13.50
E-36.56-A

Evelyn Station
82B-13.36
E-36.70-A

GTE Pa
82B-12
E-36.98

Whisman Road
82B-13.15-A
E-36.89-A

Central Expressway
82B-13.08
E-36.80-C

EXHIBIT C
VICINITY MAP
SCALE: 1"=1000'