

RSAC/RLE

Dated: 3/16/98

**ORIGINAL**

Decision 98-03-032 March 12, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara County )  
 Transit District (CIS 110.09.4) for an )  
 order authorizing construction of an at- )  
 grade pedestrian crossing across the ) Application 94-12-027  
 eastbound LRT and eastbound and westbound) (Filed December 14, 1994)  
 JPB tracks at the Evelyn Station of the )  
 Tasman Corridor Project in the City of )  
 Mountain View, County of Santa Clara. )  
 )

O P I N I O N

p 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 a pedestrian underpass at separated grades under the tracks of the San Francisco Peninsula Corridor Joint Powers Board (PCJPB) tracks at Evelyn Station 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 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.

The section of the system from Mountain View Station to Central Expressway crossing, including Evelyn Station, is to be single track in Phase I. This section will run between the existing PCJPB commuter rail line (also known as "Caltrain") and Central Expressway, which runs parallel to the rail line. Evelyn Avenue also runs parallel to the PCJPB tracks, on the other side. Evelyn Station is to be located at the Pioneer way intersection with Evelyn Avenue. Phase II double tracking through this section will require shifting the PCJPB tracks closer to Evelyn Avenue to get sufficient right-of-way for the additional track, which will be expensive, and therefore is unlikely to occur for many years.

A park and ride lot is planned for a corner of the intersection of Evelyn Avenue and Pioneer Way. The underpass will give access between the LRT station and points south and west, including the park and ride lot.

Originally, this application was for an at-grade crossing of both the PCJPB tracks and the eastbound LRT track. CPUC staff protested the at-grade design based on concern for safety of the LRT patrons who would be using the crossing, being exposed to high speed, non-stop, PCJPB trains. Subsequently, VTA agreed to re-design the crossing as a grade separation, and a revised plan was submitted, incorporating the underpass. Phase I re-scoping eliminated the LRT crossing.

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 38, which relates to the construction of a public street across a railroad track. 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 pedestrian underpass, 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 January 4, 1995. A staff protest was

filed on January 23, 1995. The staff protest was rescinded on May 12, 1997. No further protests have been filed.

2. VTA requests authority under Public Utilities Code Sections 1201-1205 to construct a pedestrian underpass at separated grades under the tracks of the PCJPB at Evelyn Station in Mountain View, Santa Clara County.

3. The underpass is required to provide access to the LRT system boarding platform at Evelyn Station.

4. Public convenience, necessity, and safety require construction of the underpass.

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.

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. There are no unresolved protests 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 a pedestrian underpass at separated grades under the tracks of the Peninsula Corridor Joint Powers Board (PCJPB) at Evelyn Station 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 105E-36.7-BD.

2. Clearances shall be in conformance with 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 City and PCJPB, 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.

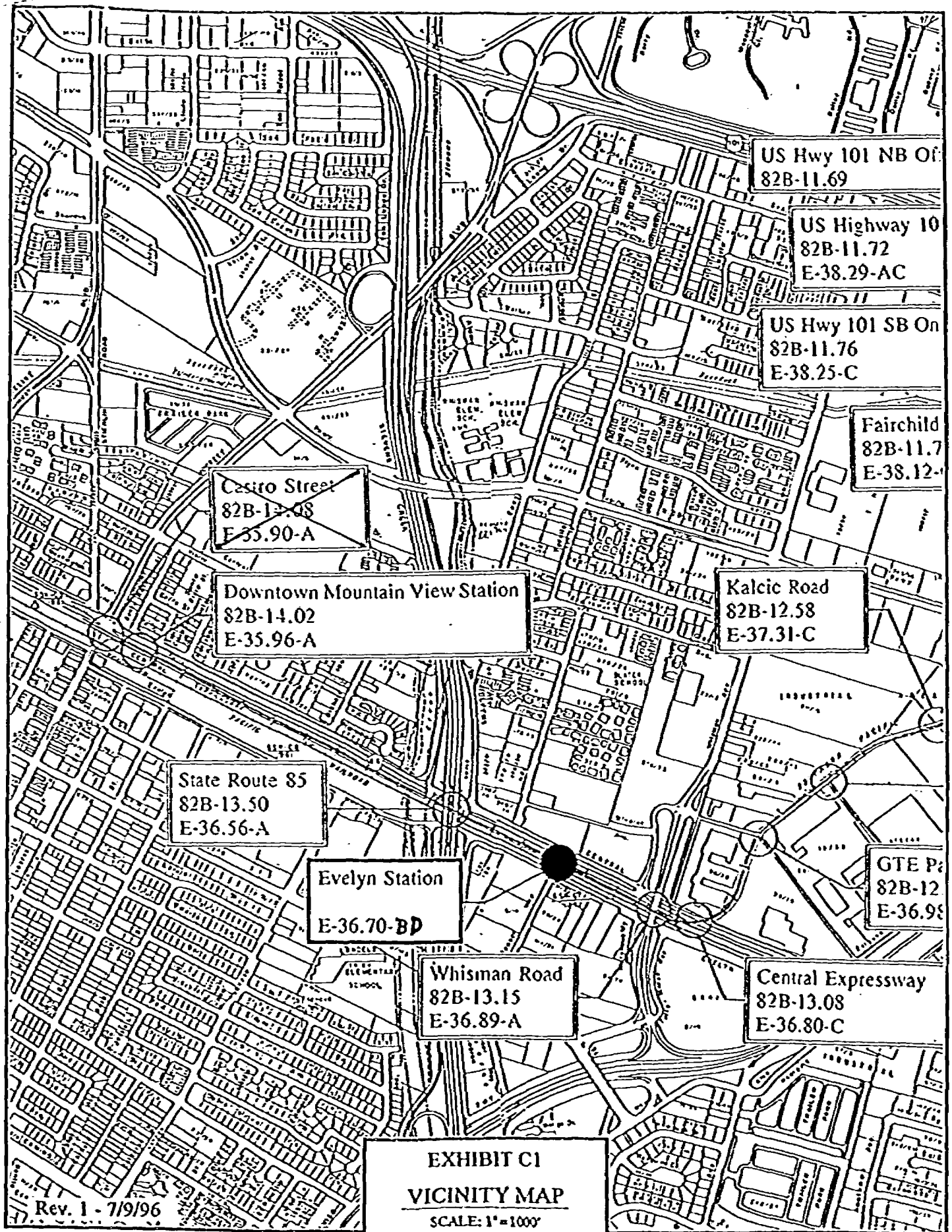
6. This authorization shall expire if not exercised within four years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated MARCH 12, 1998, at San Francisco, California.

RICHARD A. BILAS  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners



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APPENDIX A