

ORIGINAL

Decision 98-03-049 March 26, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)	
Department of Transportation, for an)	
order authorizing the Department to:)	Application 97-12-008
reconstruct and widen the Clark Avenue)	(Filed December 1, 1997)
Overhead Bridge in the City of San)	
Lorenzo, Alameda County, State of)	
California.)	
_____)	

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to widen the existing State Route (SR) 238 (Clark Avenue) Overhead over Union Pacific Railroad Company's (UP) main line tracks in an unincorporated area known as San Lorenzo, Alameda County.

The work is part of a plan to add an auxiliary lane and increase the median shoulders along SR 238. The project will widen the existing SR 238 (Clark Avenue) Overhead, Crossing D-17.7-A.

Caltrans 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. Caltrans has determined that the project is categorically exempt from CEQA under California Code of Regulations Section 15301.

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

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39,

which relates to the widening of an existing crossing. A sketch of the crossing area is included as Appendix A.

The Commission's Rail Safety and Carriers Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on January 10, 1997. No protests have been received. A public hearing is not necessary.
2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to widen the existing SR 238 (Clark Avenue) Overhead across UP's main line tracks in Alameda County.
3. Widening of the overhead is required to allow construction of an auxiliary lane along SR 238.
4. Public convenience, necessity, and safety require widening of the overhead.
5. Caltrans 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 categorical exemption determination.

Conclusions of Law

1. The application should be granted as set forth in the following order.
2. 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.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to widen the existing State Route 238 (Clark Avenue) Overhead at separated grades over Union Pacific Railroad Company's (UP) main line tracks in Alameda County, at the location and substantially as shown by plans attached to the application, identified as Crossing D-17.7-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 21' 6" above top of rail shall be authorized and UP shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Rail Safety and Carriers Division limiting the height of loads beneath the structure.

3. Caltrans shall notify the Commission's Rail Safety and Carriers Division and UP at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. 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.

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, together with plans of the crossing approved by UP, shall be filed with the Commission's Rail Safety and Carriers Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this

order, Caltrans shall notify 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 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.
This order becomes effective 30 days from today.

Dated MARCH 26, 1998 , at San Francisco, California.

RICHARD A. BILAS
President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

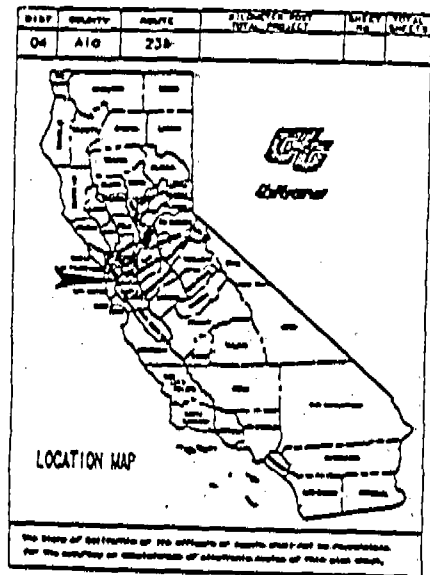
JOSIAH L. NEEPER

Commissioners

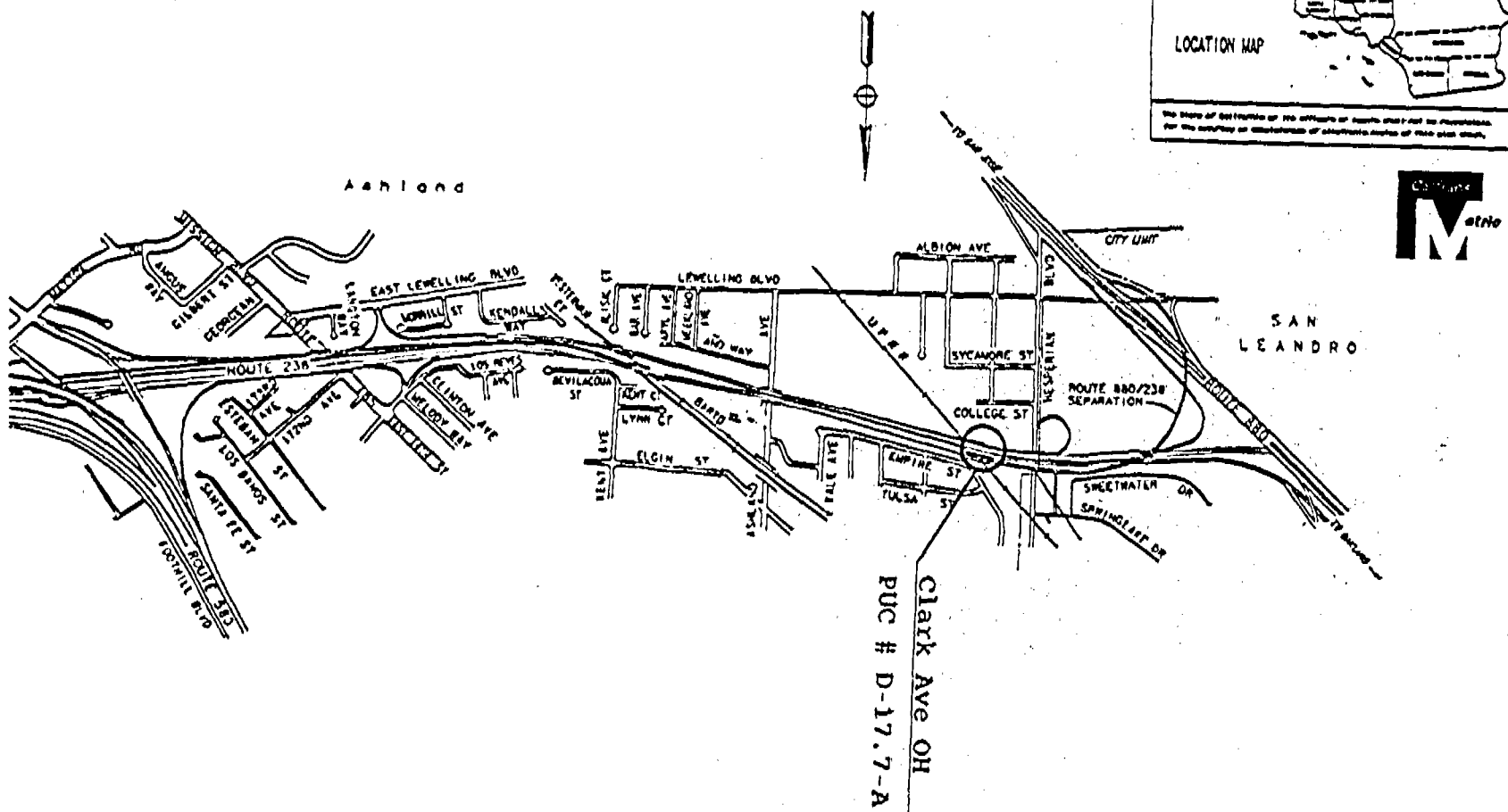
STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT PLANS FOR CONSTRUCTION ON
 STATE HIGHWAY
 IN ALAMEDA COUNTY

AT ASHLAND FROM 0.1 NM EAST OF ROUTE 238/185 SEPARATION
 TO 0.1 NM WEST OF HESPERIAN BOULEVARD UNDERCROSSING

To be supplemented by Standard Plans dated July, 1985



A.07-12-008 RSAC/LGB



APPENDIX A

