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ORIGINAL

Decision 98-08-029 August 6, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Sacramento for an order authorizing the construction of a crossing at separated grades of the Union Pacific Railroad at Mile Post 90.34, Martinez Subdivision, in the City of Sacramento.

Application 98-06-012
(Filed June 11, 1998)
(Amended June 16, 1998)

OPINION

As part of the 19th/20th Street Bikeway Project, the City of Sacramento (City) requests authority to construct the 19th/20th Street Bikeway (Class I) at separated grades, beneath the A-line and 4-line tracks of the Union Pacific Railroad (UP), in said City, County of Sacramento.

The proposed project consists of constructing a Class I bicycle path from the existing bicycle bridge across the American River just south of the levee, southerly to C Street. The purpose of this project is to provide improved bicycle access to and from the Central City area and the North Sacramento area. The alignment crosses the UP A-line at milepost 90.34, and 4-line at milepost 139.34. A sketch of the project site is set forth as Appendix A.

Total length of the proposed bicycle path is 2,600 feet. Typical cross section of the path consists of a 12 foot wide paved riding surface with 2 to 3 foot graded shoulders. Proposed vertical clearances are as follows: 10 feet beneath the A-line, 11.5 feet beneath the 4-line. A sketch of each cross section is set forth as Appendices B and C.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000, et. seq. After preparation and review of an Initial Study, City issued a Negative Declaration for the 19th/20th Street Bikeway Project. On June 23, 1998, City filed a Notice of Determination with the County Clerk of Sacramento

County and the State Clearinghouse which states that "the project will not have a significant effect on the environment, [and] mitigation measures were made a condition of the approval of the project."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study, Negative Declaration, and Notice of Determination.

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 crossings and recommends that the sought authority be granted. City has expressed the desire to commence construction at the earliest possible date, therefore, the 30-day effective date on the order should be waived.

Application 98-06-012 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38 which relates to the construction of a public highway across a railroad. One amendment to the application was filed on June 16, 1998, and published in the Commission's Daily Calendar on June 24, 1998.

In Resolution ALJ 176-2995 dated June 16, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-2995.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on June 15, 1998. One amendment was filed. No protests have been filed.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to construct the 19th/20th Street Bikeway at separated grades, beneath the A-line and 4-line tracks of UP in Sacramento County.
3. Public convenience and necessity require the construction of 19th/20th Street Bikeway grade separations.
4. City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study, Negative Declaration, and Notice of Determination.

6. The project will not have a significant effect on the environment. Mitigation measures were made a condition of approval.

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.

ORDER

IT IS ORDERED that:

1. The City of Sacramento (City) is authorized to construct the 19th/20th Street Bikeway at separated grades, beneath the A-line and 4-line tracks of the Union Pacific Railroad (UP), in said City, County of Sacramento, at the location and substantially as shown on the plans attached to the application, to be identified as Crossings 001A-90.34-BD and 004-139.34-BCD, respectively.
2. Clearances shall be in accordance General Order (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. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.
5. Construction plans of the proposed crossing, approved by UP, together with a copy of the agreement entered into between the parties, shall be filed by City with the Commission's Rail Safety and Carriers Division (RSAC) prior to commencing construction.
6. Within thirty (30) days after completion of the work under this order, City shall advise RSAC in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three (3) 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. This application is granted as set forth above.

9. Application 98-06-012 is closed.

This order becomes effective today.

Dated August 6, 1998, at San Francisco, California.

RICHARD A. BILAS

President

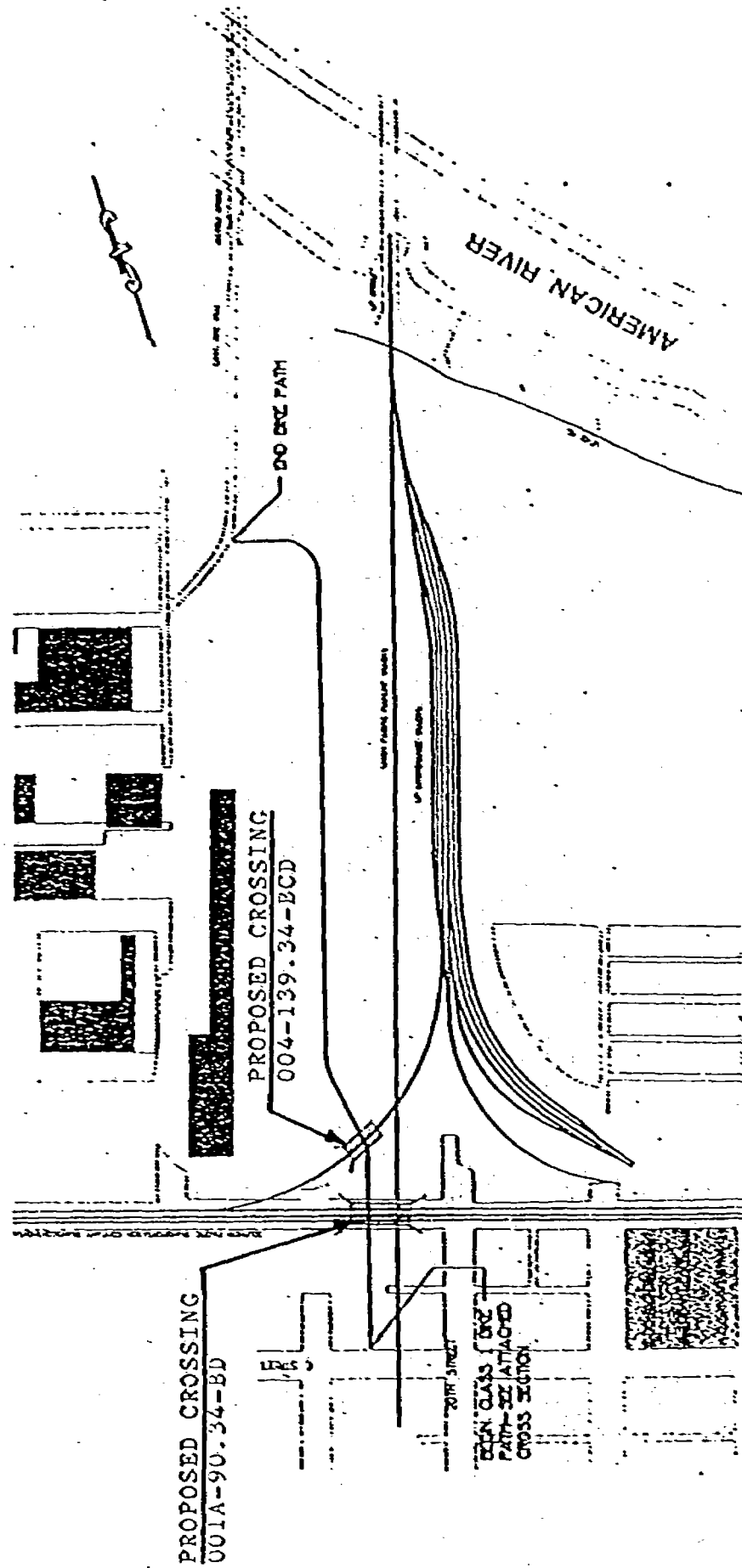
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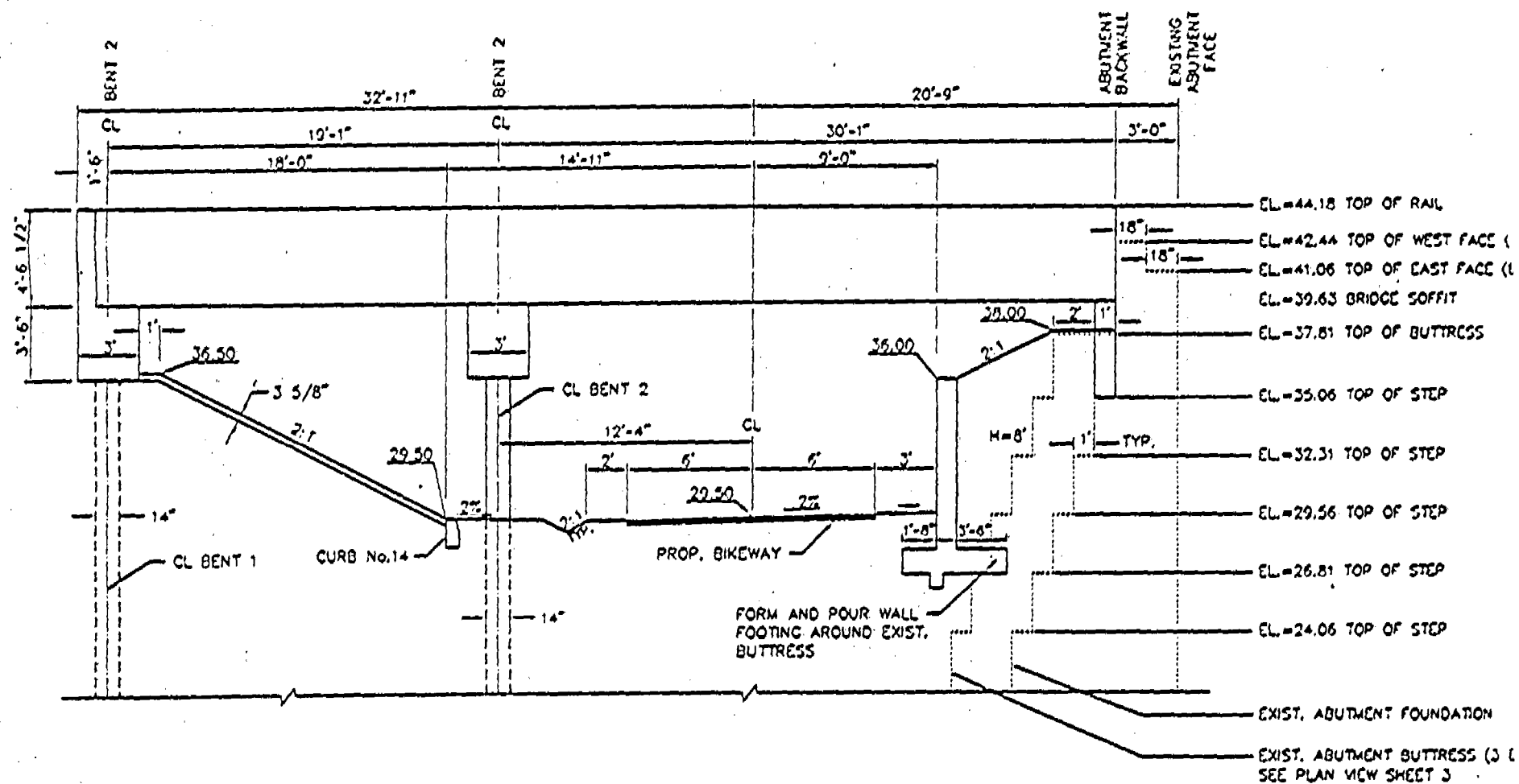
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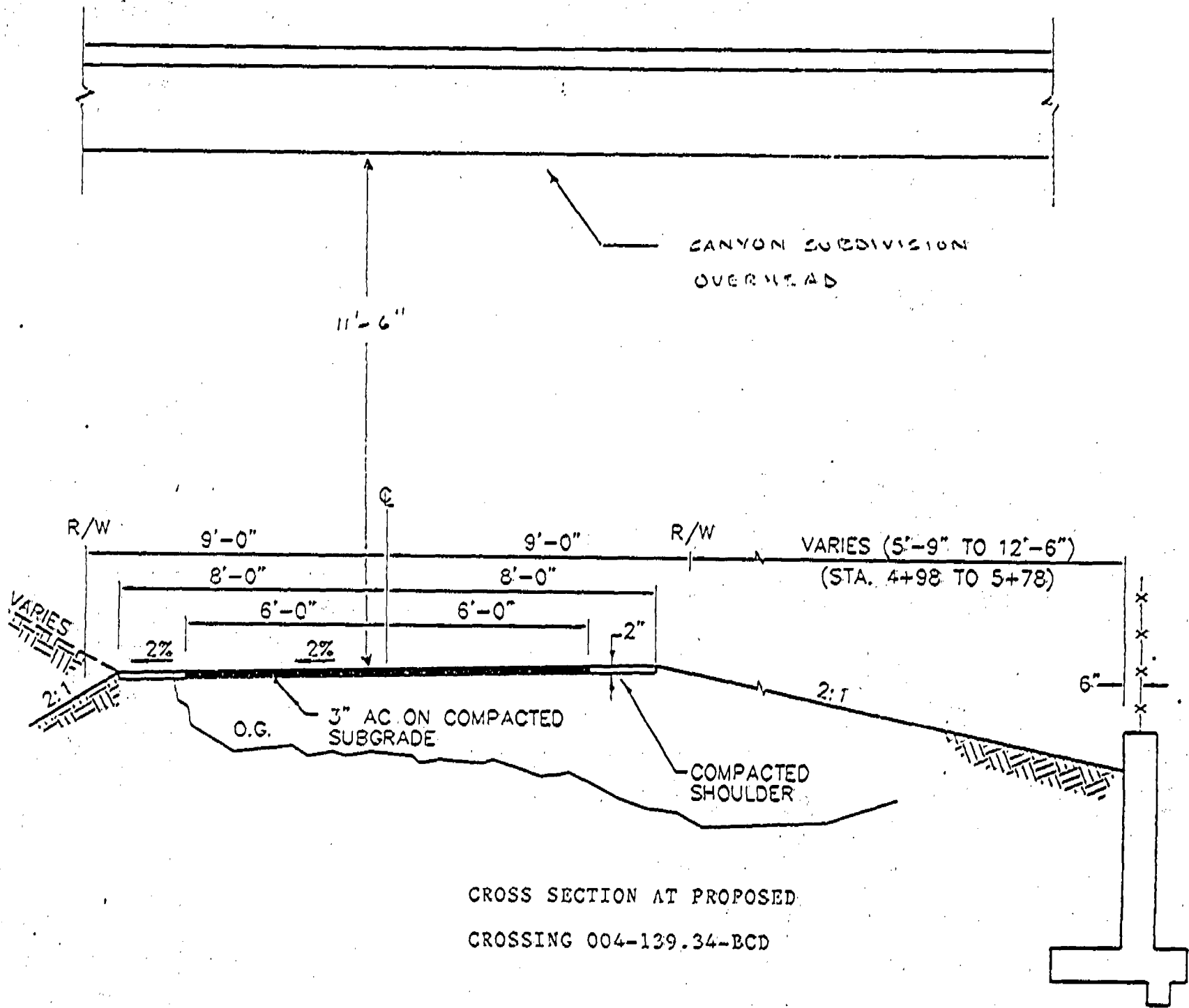
Commissioners



PROJECT SITE



CROSS SECTION AT PROPOSED
 CROSSING 001A-90.34-BD



CROSS SECTION AT PROPOSED
CROSSING 004-139.34-BCD