

ORIGINALDecision 98-09-016 September 3, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF LIVERMORE)
 for an Order authorizing construction)
 of a crossing at separated grades)
 between an extension of Isabel Avenue)
 and the tracks of the Union Pacific)
 Railroad Company sometimes referred)
 to as the "Isabel Avenue Underpass".)
 (PUC No. 4-457-B).)

Application 98-02-018
 (Filed February 11, 1998)

O P I N I O N

The City of Livermore (City) requests authority to construct the Isabel Avenue Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP) main line in Livermore, Alameda County. Authority is also requested to construct a temporary shoofly track just north of the existing tracks.

This project involves the extension of Isabel Avenue northward, under the UP mainline tracks and under Stanley Boulevard, to connect with Kitty Hawk Road. The extension of Isabel Avenue will create a major north-south arterial not subject to disruption by rail movements. Isabel Avenue will then be redesignated as State Route (SR) 84 which will bypass downtown Livermore. Construction of this grade separation will facilitate a connection between Interstate 580 and SR 84, and improve public safety.

During construction of the underpass, trains will be routed onto a shoofly track with no public vehicular traffic across the tracks. Prior to opening the underpass to vehicular traffic the shoofly will be removed.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an Environmental Impact Report, City approved the project. On July 16, 1998, a Notice of Determination was filed with the Office of Planning and Research which found that "The project will not have a significant effect on the environment" and "Mitigation measures were made a condition of approval of the project."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Environmental Impact Report.

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.

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 highway across a railroad. A sketch of the crossing area is included as Appendix A.

In Resolution ALJ-176-2987 dated February 19, 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, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2987.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 17, 1998. No protests have been filed.

2. City requests authority under Public Utilities Code

Sections 1201-1205 to construct the Isabel Avenue Underpass at separated grades under UP's main line tracks in Livermore, Alameda County.

3. Construction of the Isabel Avenue Underpass is required to complete a major north-south arterial bypassing downtown Livermore.

4. Public convenience, necessity, and safety require construction of the Isabel Avenue Underpass.

5. Railroad operations require construction of a temporary shoofly track to the north of the existing tracks during construction of the Isabel Avenue Underpass.

6. Upon completion of the Isabel Avenue Underpass and prior to its opening to vehicular traffic, the shoofly track will be removed.

7. City 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 Environmental Impact Report.

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. The City of Livermore (City) is authorized to construct the Isabel Avenue Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP) main line in Livermore, Alameda County at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-45.7-B.

2. City is also authorized to construct a temporary shoofly

track north of the existing tracks during construction of the Isabel Avenue Underpass.

3. Upon completion of the underpass and prior to its opening to vehicular traffic the shoofly track shall be physically removed.

4. Clearances shall be in accordance with GO 26-D.

5. 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.

6. 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 by City 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.

7. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

8. 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.

9. The application is granted as set forth above.

10. Application 98-02-018 is closed.

This order becomes effective thirty (30) days from today.

Dated September 3, 1998 , at San Francisco, California.

RICHARD A. BILAS

President

P.GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

APPENDIX A

