

Decision 00-03-010 March 02, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Sacramento for an order	)	
authorizing the construction of a grade separated	)	
structure of the Union Pacific Railroad at Mile Post	)	Application 99-11-026
D-133.70-B, Canyon Subdivision, in the City of	)	(Filed November 22, 1999)
Sacramento.	)	
_____	)	

**OPINION**

The City of Sacramento (City) requests authority to construct a bicycle pathway, at a separated grade, underneath the mainline tracks of the Union Pacific Railroad (UP) in said City of Sacramento, County of Sacramento. The bicycle pathway will henceforth be referred to as PUC Crossing No. 001D-133.70-BD.

The proposed grade separated bicycle pathway will link bicyclists from Elvas Avenue near 65<sup>th</sup> Street to California State University Sacramento (CSUS). The pathway will provide access to the 2000 Olympic Track and Field Trials scheduled to take place at the CSUS campus in July 2000. A sketch of the project area is set forth as Appendix A of the Decision. The pathway will commence at Elvas Avenue on the west, then proceed underneath the UP tracks approximately 190 feet from Elvas Avenue, and terminate on the CSUS campus to the east. Other improvements such as new traffic signals, improved signage, road widening, new sidewalks and improvements to the existing median are anticipated along Elvas Avenue.

The proposed bicycle path is approximately 300 feet long and 16 feet wide (12 feet wide paved area with 2 feet wide shoulders on each side). The travel way will include two bicycle lanes (one in each direction). The UP tracks are located on a levee 14 feet above Elvas Avenue.

The bike path enters and exits the crossing via a tunnel structure underneath the UP tracks. The tunnel width is approximately 30 feet. The overhead clearance from the bike path to the bottom of the bridge supporting the tracks is 8 feet. The sides of the tunnel structure are made up of H-pile and sheet pile construction. The proposed bridge is a box girder-type structure supported on pre-cast pile caps.

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. On October 29, 1999, City filed a Notice of Determination with the County Clerk of Sacramento stating that "the project will not have a significant effect on the environment."

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 Commission's Rail Safety and Carriers Division, Rail Crossings Engineering staff has inspected the site of the proposed project. The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 99-11-026 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.

In Resolution ALJ 176-3028 dated December 2, 1999, 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 176-3028.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on November 24, 1999. No protests have been filed.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to construct the bicycle pathway, at a separated grade, underneath the tracks of UP in the City of Sacramento, County of Sacramento.
3. Public convenience, necessity, and safety require the construction of the bicycle pathway.
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.

**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 bicycle pathway, at a separated grade, underneath the tracks of the Union Pacific Railroad (UP) in said City of Sacramento, County of Sacramento, at the location and substantially as shown on the plans attached to the application, to be identified as PUC Crossing No. 001D-133.70-BD.
2. Clearances shall be in accordance with 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. A copy of the agreement shall be filed by City with the Commission's Rail Safety and Carriers Division, Rail Crossings Engineering Section prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Final construction plans, approved by UP, shall be filed by City with the Rail Safety and Carriers Division, Rail Crossings Engineering Section prior to commencing construction.

6. Within thirty (30) days after completion of the work under this order, City shall advise the Rail Safety and Carriers Division, Rail Crossings Engineering Section 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 99-11-026 is closed.

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

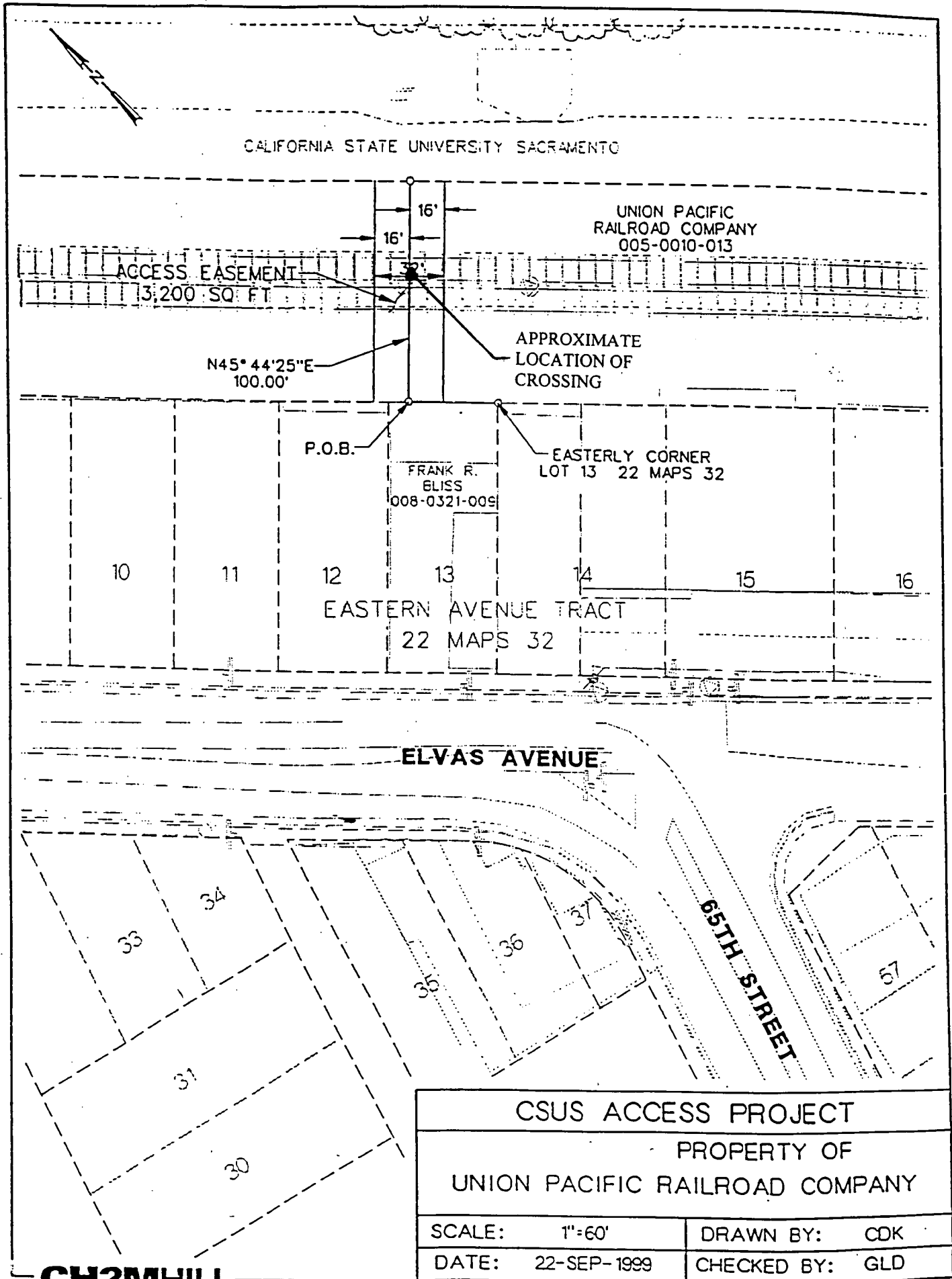
Dated March 02, 2000 at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
CARL W. WOOD  
LORETTA M. LYNCH  
Commissioners

A.99-11-026 RSAC/EMG

**APPENDIX A**

**MAP OF PROJECT AREA**



<b>CSUS ACCESS PROJECT</b>	
PROPERTY OF <b>UNION PACIFIC RAILROAD COMPANY</b>	
SCALE: 1"=60'	DRAWN BY: CDK
DATE: 22-SEP-1999	CHECKED BY: GLD