

Decision 00-03-012 March 02, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara Valley Transportation Authority (CIS-510.22.4) for an order Authorizing Construction of at-grade crossings of Cisco Way and Morgridge Way by the Light Rail Transit line of the Tasman Corridor Project in the City of San Jose, County of Santa Clara.

Application 99-10-035  
(Filed November 1, 1999)

**OPINION**

The Santa Clara Valley Transportation Authority (VTA) requests authority to establish two new at-grade crossings for a new light rail line on Tasman Drive across Cisco Way and Morgridge Way in the City of San Jose in the County of Santa Clara.

The proposed crossings are part of VTA's Tasman Corridor Project, a new light rail line on Tasman Drive, which will provide Santa Clara Valley with a light rail transit service. The extension is a double track line constructed for most of its length in the median of existing arterial streets, which includes the two at-grade crossings at Cisco Way and Morgridge Way. A map of the project vicinity is set forth as Appendix A. The proposed crossings will henceforth be referred to as Cisco Way, PUC Crossing Number 82C-5.32 and Morgridge Way, PUC Crossing Number 82C-5.07.

Morgridge Way and Cisco Way will primarily provide access to Cisco Systems facilities and will cross the new light rail tracks on Tasman Drive at grade. The intersections will be controlled by vehicular and pedestrian traffic signals and signage. Light rail vehicle movements will preempt traffic signals to avoid conflicting aspects. The movement of light rail vehicles at these crossings will be controlled by signals which are for the exclusive use of light rail vehicles.

VTA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resource Code Sections 21000, et. seq. After preparation

and review of an Environmental Impact Report (EIR), VTA approved the project. On January 12, 1993, the City filed a CEQA Notice of Determination with the County of Santa Clara and the State Office of Planning and Research, which states that the project will have a significant effect on the environment, though mitigation measures were made a condition of approval of the project and a statement of overriding considerations was adopted.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR and Notice of Determination.

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

Application 99-10-035 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 176-3026 dated November 4, 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 RSAC 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 176-3026.

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 1, 1999. No protests have been filed.

2. VTA requests authority, under Public Utilities Code Section 1201-1205, to construct two at-grade crossings identified as Cisco Way, PUC Crossing Number 82C-5.32 and Morgridge Way, PUC Crossing Number 82C-5.07.

3. Public convenience and necessity require the construction of Cisco Way and Morgridge Way across the tracks of VTA in the City of San Jose in Santa Clara County.

4. VTA 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 EIR and Notice of Determination.

6. The project will have a significant effect on the environment. Mitigation measures were made a condition of approval and a statement of overriding considerations was adopted.

**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 Santa Clara Valley Transportation Authority (VTA) is authorized to construct two at grade crossings with the tracks in the median of Tasman Drive at the intersections of Cisco Way, PUC Crossing Number 82C-5.32 and Morgridge Way, PUC Crossing Number 82C-5.07 in the City of San Jose (City) in Santa Clara County at the location and substantially as shown by plans attached to the application.

2. Clearances and walkways shall conform to General Order (GO) 143-A.

3. Maintenance of the crossings shall conform to GO 72-B.

4. Vehicular and pedestrian traffic signals and signage will control the intersections at Cisco Way and Morgridge Way. Light rail vehicle movements will preempt traffic signals to avoid conflicting aspects. The movement of light rail vehicles at these crossings will be controlled by signals, which are for the exclusive use of light rail vehicles.

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 crossings approved by the City shall be filed with the Commission's Rail Safety and Carriers Division (RSAC) prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. The City will inform the RSAC Rail Crossings Engineering Section in writing within 30 days of the date of the completion of this project.

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 99-10-035 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.99-10-035

APPENDIX A  
Map of Project Vicinity

