

Decision 00-04-010 April 06, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of State of California, Department of Transportation for an order authorizing the Department to: construct a crossing of State Route 29 at separated grade over the Napa Valley Wine Train track, to construct a temporary detour track (shoofly), and to reconstruct existing PUC crossing No. 87-71.80 in the City and County of Napa, State of California.

FORMAL FILE COPY

Application 99-10-007
(Filed October 7, 1999)

OPINION

As part of the project to convert a one-mile segment of State Route 29 from an expressway to a freeway--State Route 29 and Trancas-Redwood Road, the State of California, Department of Transportation (Caltrans), requests authority to construct a crossing of State Route 29 under Napa Valley Wine Train Company's track, to construct a temporary detour track (shoofly), and to reconstruct existing PUC crossing No. 87-71.80 in the City of Napa, Napa County.

The existing State Route 29 roadway will be depressed and a new railroad bridge constructed across it. As part of the project, a bicycle\pedestrian bridge will be constructed across the new freeway.

The State of California, acting by and through the California Transportation Commission, 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. After preparation and review of an Initial Study and Environmental Assessment, Caltrans issued a Negative Declaration and approved the project. On September 27, 1989 a Notice of Determination was filed with Napa County, which found that: "The project will not have a significant effect on the environment" and "Mitigation measures were adopted as a condition of approval of the project."

On December 20, 1999 Caltrans completed its reevaluation/addendum to the Negative Declaration and on the basis of the reevaluation determined that no new environmental documentation is necessary.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Categorical Exclusion Determination. The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to widening, relocating or otherwise altering an existing crossing. A sketch of the crossing area is set forth as Appendix A.

The Commission's Rail Safety and Carriers Division (RSAC) Traffic Engineering staff has inspected the site of the proposed project. The staff examined the need for and safety of the proposed crossing alteration and recommends that the sought authority be granted. Caltrans has requested that the authorization be granted for a period of three (3) years.

In Resolution ALJ 176-3025, dated October 21, 1999, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. 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 176-3025.

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 October 18, 1999. No protests have been filed.
2. Caltrans requests authority, under Public Utilities Code Sections 1201 - 1205, to construct State Route 29 under the Napa Valley Wine Train Company's main line tracks in Napa County, to construct a temporary detour track (shoofly), and to reconstruct existing PUC crossing No. 87-71.80 in the City of Napa, Napa County.

3. The crossing is required as part of the project to reconstruct the intersection of Trancas, Redwood Road and State Route 29 to allow State Route 29 to become freeway.
4. Public convenience and necessity require construction of the project.
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/Exclusion.
7. 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 State of California, Department of Transportation (Caltrans) is authorized to construct a crossing of State Route 29 under Napa Valley Wine Train Company's track, to construct a temporary detour track (shoofly), and to reconstruct existing PUC crossing No. 87-71.80 in the City of Napa, Napa County.
2. Clearances shall be in accordance with 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, together with plans of the crossing approved by NVWTC shall be filed by Caltrans with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the commission will apportion the costs of construction and maintenance by further order.
5. Within thirty (30) days after completion of the work under this order, Caltrans shall advise the Commission's Rail Safety and Carriers Division, Traffic Engineering Section, in writing that the authorized work has been completed.

6. 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.

7. This application is granted as set forth above.

8. Application 99-10-007 is closed.

This order becomes effective today.

Dated April 06, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

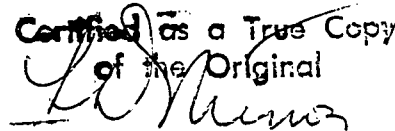
JOSIAH L. NEEPER

RICHARD A. BILAS

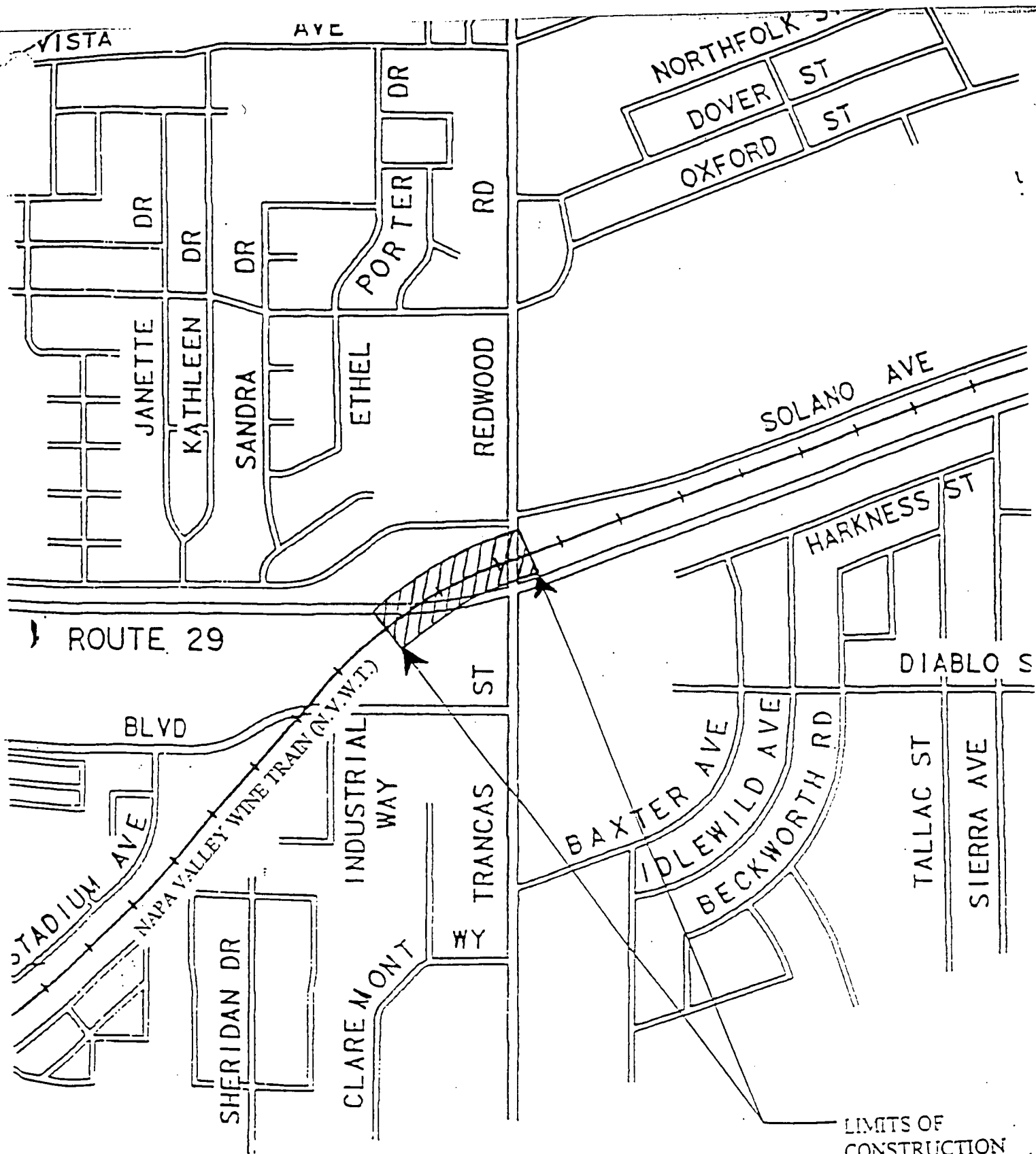
CARL W. WOOD

Commissioners

Certified as a True Copy
of the Original



ASST. EXECUTIVE DIRECTOR, PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA



ROUTE 29

NO SCALE

Location Map

LIMITS OF
CONSTRUCTION
WITHIN N.V.W.T.
RIGHT OF WAY

20' 11/8 23.10 23.20