

Mailed 5/22/00

Decision 00-05-042 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the matter of the Application of the City and) | |
| County of San Francisco for Authority (i) to) | |
| construct a new Grade Crossing at the intersection) | Application 99-12-021 |
| of Common Street and the tracks of the Peninsula) | (Filed December 15, 1999) |
| Corridor Joint Powers Board; (ii) to Reconstruct) | |
| the Existing 16 th Street Grade Crossing of the) | |
| tracks of The Peninsula Corridor Joint Powers) | |
| Board; (iii) to close the King Street Grade Crossing) | |
| of the tracks of the Peninsula Corridor Joint Powers) | |
| Board; and (iv) to close the Berry Street Crossing) | |
| of the tracks of the Peninsula Corridor Joint) | |
| Powers Board.) | |
| _____) | |

OPINION

As part of the Mission Bay Redevelopment Project, the City of San Francisco (City) requests authority to reconstruct the existing 16th Street Grade Crossing of the tracks of the Peninsula Corridor Joint Powers Board (PCJPB), to close the King Street Grade Crossing of the tracks of the PCJPB, to close the Berry Street Crossing of the tracks of the PCJPB and to construct a new grade crossing at the intersection of Common Street and the tracks of the PCJPB in the City and County of San Francisco.

Mission Bay is a project consisting of approximately 300 acres of housing, retail space and a new University of California San Francisco campus. The new Common Street Grade Crossing will provide access to Mission Bay South and to the new campus from the western portions of San Francisco.

Applicant studied a total of eight alternatives to achieve a grade separated crossing at Common Street. All alternatives were rejected as not practical. Commission Staff has reviewed these alternatives and concurs. The Berry Street Crossing is already temporally closed to traffic. Applicant has agreed that once the new Common Street Crossing is opened, Berry Street will be totally closed off with new fencing. All debris shall be removed. Applicant has agreed to install

the crossing protection recommended by staff as stated in ordering paragraphs 5 and 6 of this order.

City 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. On September 17, 1998, City certified the Subsequent Environmental Impact Report (SEIR). On November 3, 1998 a copy of the Notice of Determination was filed with the San Francisco County Clerk. The project was found to have a significant effect on the environment and mitigation measures were made a condition of approval.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's SEIR. The application meets the filing requirements of the Commission's Rules of Practice and Procedure. A sketch of the crossing area is set forth as Appendix A.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division (RSAC) Traffic Engineering staff. The staff examined the need for and safety of the proposed reconstruction of the 16th St. crossing and the construction of the new Common St. crossing and recommends that the requested authority be granted.

In Resolution ALJ 176-3030 dated January 6, 2000, 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 176-3030.

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 December 15, 1999.
2. No protests have been filed.
3. City requests authority, under Public Utilities Code Sections 1201 - 1205, to reconstruct the existing 16th Street Grade Crossing of the tracks of the Peninsula Corridor Joint

Powers Board (PCJPB), to close the King Street Grade Crossing of the tracks of the PCJPB, to close the Berry Street Crossing of the tracks of the PCJPB and to construct a new at grade crossing at the intersection of Common Street and the tracks of the PCJPB in the City and County of San Francisco.

4. Public convenience and necessity require construction of the new at grade crossing at Common Street, the reconstruction of the 16th Street Grade Crossing and the closing of King Street and Berry Street crossings.

5. City 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 SEIR.

7. The mitigation measures adopted by City will reduce the severity of adverse environmental impacts to acceptable levels.

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 San Francisco (City) is authorized to reconstruct the existing 16th Street Grade Crossing of the tracks of The Peninsula Corridor Joint Powers Board (PCJPB), to close the King Street Grade Crossing of the tracks of the PCJPB, to close the Berry Street Crossing of the tracks of the PCJPB and to construct a new at grade crossing at the intersection of Common Street and the tracks of the PCJPB in the City and County of San Francisco at the location and substantially as shown by plans attached to the application. The new crossing is to be identified as Crossing 001E-0.80.
2. Clearances shall be in accordance with GO 26-D.
3. Walkways shall conform to GO 118.

4. 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.

5. Protection at the new Crossing 001E-0.80 shall be four No. 9-A automatic gate-type signals with cantilever lights (GO 75-C) and two pedestrian gates.

6. Protection at the reconstructed Crossing 001E-108 at 16th Street shall be five No. 9-A automatic signals with cantilever lights (GO 75-C).

7. Upon completion of the new Commons Street Crossing and it's opening to vehicular traffic, the existing King Street (001E-0.62) and Berry Street (001E-.69) crossings shall be closed and physically removed. PCJPB shall file a form "G" report with the Commission's Rail Safety and Carriers Division within 30 days of completion.

8. 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 PCJPB shall be filed by City 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.

9. Within thirty (30) days after completion of the work under this order, City shall advise the Commission's Rail Safety and Carriers Division, Traffic Engineering Section in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within two (2) 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.

11. This application is granted as set forth above.

12. Application 99-12-021 is closed.

This order becomes effective 30 days from today.

Dated May 18, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

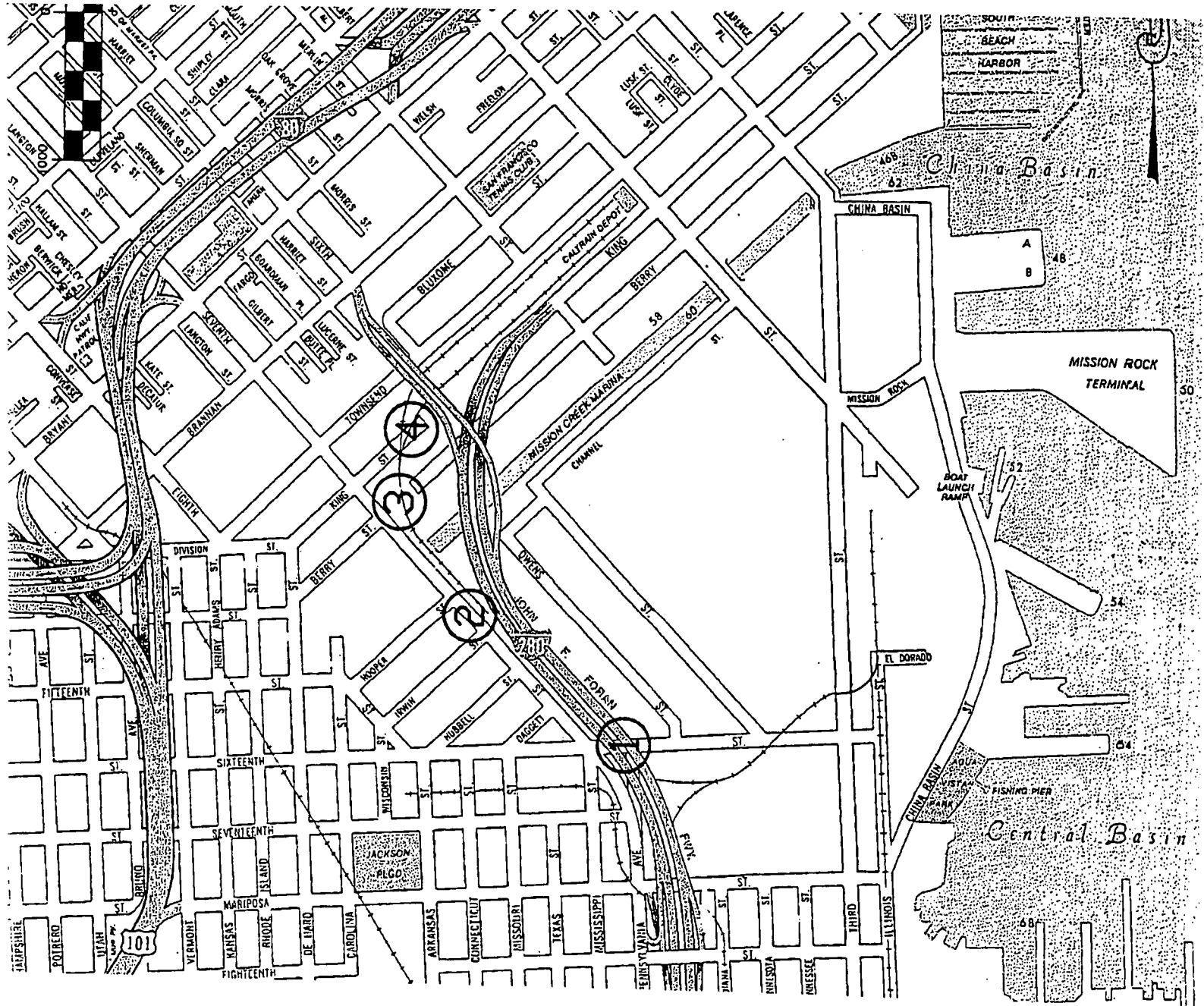
HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners



LEGEND:

- ① REVISED 16TH ST. GRADE CROSSING
- ② NEW COMMON ST. GRADE CROSSING
- ③ EXISTING BERRY ST. TO BE CLOSED
- ④ EXISTING KING ST. TO BE CLOSED