

Mailed 5/22/00

Decision 00-05-043 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Novato to convert one)	
private grade-separated crossing to a public)	
grade-separated crossing of the Golden Gate Bridge,)	Application 99-09-033
Highway, and Transportation District's Marin)	(Filed September 14, 1999)
County Rail Line at Main Gate Road within the)	
former Hamilton Army Airfield in said City of)	
Novato, State of California)	
_____)	

OPINION

The City of Novato (City) requests authority to convert an existing private grade-separated crossing to a public grade-separated crossing over the Golden Gate Bridge, Highway, and Transportation District's (District) track along Main Gate Road in said City of Novato, County of Marin. The public grade-separated crossing will henceforth be referred to as California Public Utilities Commission (CPUC) Crossing No. 1085-23.40-A.

Main Gate Road enters the crossing from the southwest. After crossing the bridge, vehicles enter Palm Drive in the northeast. Main Gate Road has been utilized as a main ingress and egress for the Hamilton Field Development Project. Construction for the Hamilton Field Development Project started in 1995. The bridge contains two lanes for vehicular traffic, a bikeway, and a pedestrian bridge. Structural improvements to the existing bridge, which have already been completed, include lane widening, new railing, and asphalt concrete (AC) improvements. A sketch of the project area is set forth as Appendix A of the Decision.

According to final construction plans, staff determined that the vertical clearance from the top of rail to the bottom of the bridge section is 21'-9". According to CPUC General Order (GO) 26-D, the required vertical clearance is 22'-6". By letter dated January 20, 2000, City is requesting a variance to allow for a vertical impaired clearance at this crossing. Given the age of the bridge structure, its past and present rail traffic, and the fact that the bridge was constructed

by the United States Government, staff concludes that public convenience and safety will not be negatively affected. The District has concurred with the City's request for a variance.

The Developer, New Hamilton Partnership (NHP), was granted an easement for Main Gate Road by the District on December 14, 1995. As a result, NHP was granted non-exclusive access rights for vehicular and pedestrian traffic to and from the Hamilton Field Project. If said application is approved by the CPUC, the United States Government is anticipated to relinquish its ownership rights for the grade crossing and the City will adopt ownership of the bridge.

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 Environmental Impact Report dated March 1993, City approved the project. On June 23, 1993, City filed a Notice of Determination with the County Clerk of Marin stating that "the project will have a significant effect on the environment, and mitigation measures were made a condition of the approval of this project".

A major environmental impact is increased traffic congestion along Highway 101 and other local street networks resulting from a proposed increase in the work force and new residential developments. Possible future improvements for traffic include: the possibility of commuter rail transit service on District's track, the construction of a multi-lane parkway to alleviate highway congestion, and additional lanes along both directions of Highway 101.

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

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

Application 99-09-033 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 176-3024 dated October 7, 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 176-3024.

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 comments is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on September 21, 1999. No protests have been filed.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to convert an existing private grade-separated crossing to a public grade-separated crossing which lie above the District's track along Main Gate Road in said City of Novato, County of Marin.
3. Public convenience, necessity, and safety require the conversion of the private grade-separated crossing to a public grade-separated crossing.
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 Environmental Impact Report and Notice of Determination.
6. The project will have a significant effect on the environment. Mitigation measures were made a condition of approval.
7. City has requested a variance from GO 26-D for a vertical impaired clearance.

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 Novato (City) is authorized to convert an existing private grade-separated crossing to a public grade-separated crossing which lie above the Golden Gate Bridge, Highway, and Transportation District's (District) track along Main Gate Road in said City of Novato, County of Marin at the location and substantially as shown on the plans attached to the application, to be identified as California Public Utilities Commission (CPUC) Crossing No. 1085-23.40-A.

2. Walkways shall conform to General Order (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.

3. City's request for a variance from GO 26-D requesting a permanent vertical impaired clearance shall be granted. All other clearances shall be in accordance with GO 26-D.

4. 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.

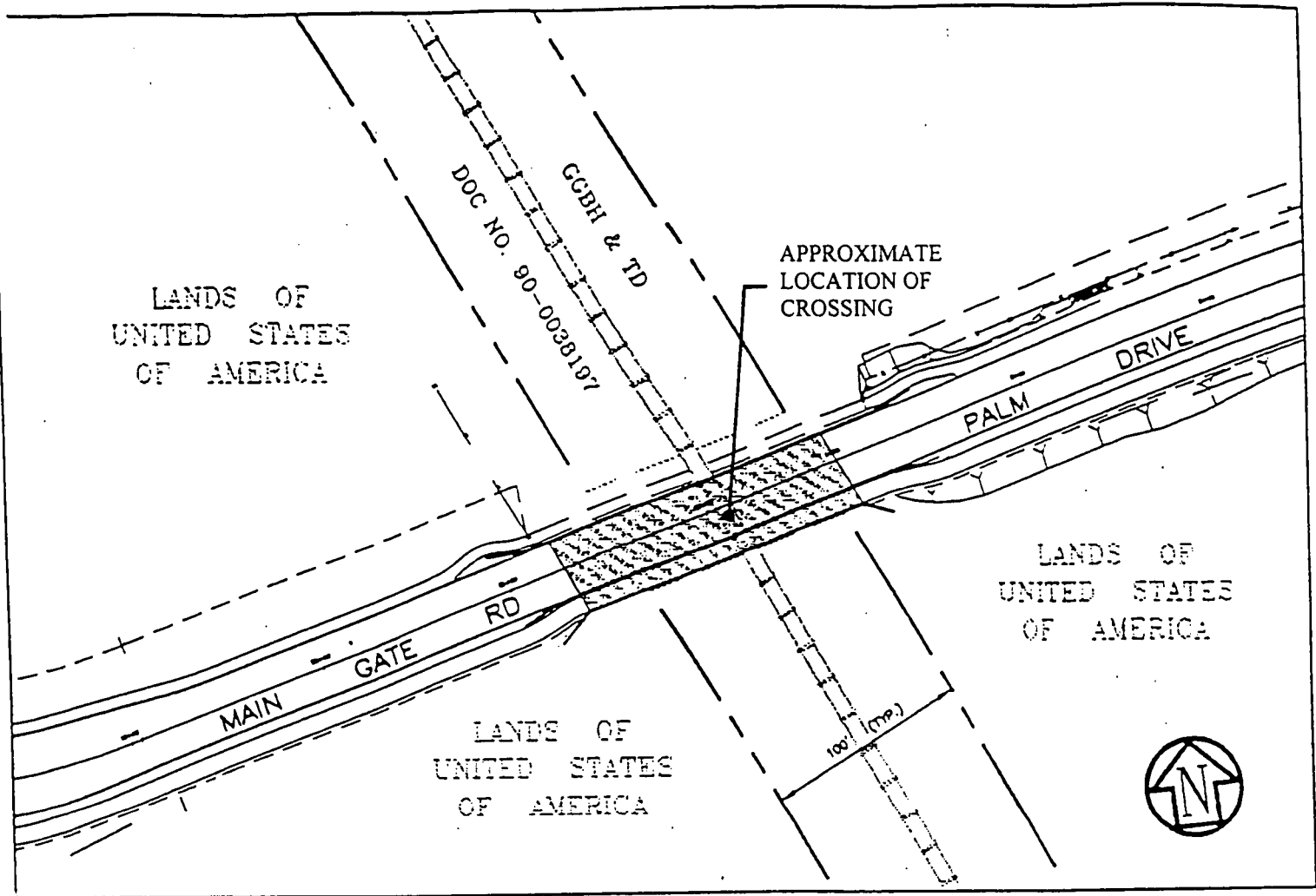
6. This application is granted as set forth above.

7. Application 99-09-033 is closed.

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

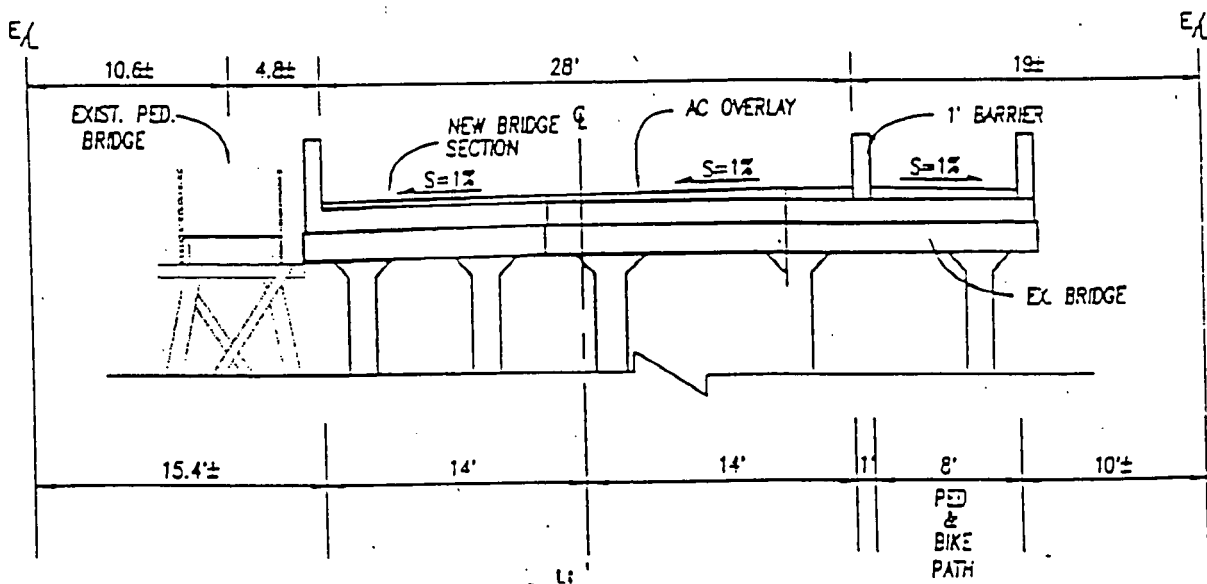
Dated May 18, 2000, at San Francisco, California.

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



PLAN

SCALE: 1" = 80'



**STREET SECTION
BRIDGE CROSSING**

N.T.S.

MAIN GATE ROAD • RR CROSSING