

Mailed: 3/22/99

Decision 99-03-039 March 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, Department)
of Transportation, for an order authorizing the)
Contra Costa Transportation Authority to:)
construct a crossing at separated grades between)
westbound Route 4 and the tracks of The Burlington)
Northern and Santa Fe Railway, sometimes referred)
to as the "Christie Overhead," PUC No. 2-1176.25A)
(Bridge No. 28-0360R) in the County of Contra)
Costa, State of California.)
_____)

Application 98-11-022
(Filed November 17, 1998)

OPINION

The State of California, Department of Transportation (Caltrans), requests authority to construct a new westbound State Route 4 at separated grades above the tracks of the Burlington Northern and Santa Fe Railway Company (BNSF) in the County of Contra Costa (County), east of the City of Hercules. The proposed railroad overhead will supplement the existing Christie Underpass PUC Crossing Number 2-1176.2-B on State Route 4 and will be referred to as Christie Overhead.

The Contra Costa Transportation Authority (Authority), which provides supplemental funds to improve both local County roads and State highways, has entered into a cooperative Agreement with Caltrans to construct and furnish financial assistance for State Route 4 improvements, including Christie Overhead.

The section of State Route 4 which includes Christie Underpass is currently a two lane, two direction highway connecting Interstate 80 within the City of Hercules and the Cummings Skyway. The existing narrow Christie Underpass is one of only two highways between Central Contra Costa County and the Oakland-San Francisco area over which hazardous or contaminated

materials can be transported without daily time restrictions. A map of the project vicinity is set forth as Appendix A.

The Annual Average Daily Traffic (AADT) capacity for a facility such as State Route 4 is 22,100 AADT. The AADT from 1990 was at least 45 percent over capacity and the projections for the year 2000 indicate an expected increase in traffic demand to be 75 percent higher than the theoretical capacity. Eleven percent of total traffic volume is predicted to be heavy truck traffic. From January 1989 to December 1994, fatal accident rates along this segment of State Route 4 were as much as 1.5 times the expected Statewide average for facilities of this type.

A new railroad grade separation at Christie Overhead will provide for three westbound traffic lanes to be carried over BNSF's single track main line and one auxiliary track. The existing State Route 4 through the Christie Underpass will be retained and utilized for eastbound traffic. The existing State Route 4 will remain open during construction. Temporary rerouting of vehicular and railroad traffic during construction will not be necessary.

This separation of traffic will allow for an increase in through traffic volumes across the railroad, as well as improve safety by eliminating opposing traffic movements through a constricted opening. The average daily train count for Burlington Northern Santa Fe is presently 24 freight trains.

Caltrans, 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 Resource Code Sections 21000, et. seq. After preparation and review of an Environmental Impact Report (EIR), Caltrans approved the project. On October 30, 1998, Caltrans filed a CEQA Notice of Determination with the State Clearinghouse. The project will have a significant effect on the environment, though, mitigation measures were made a condition of approval of the project.

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

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 crossing and recommends that the sought authority be granted.

Application 98-11-022 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 176-3005 dated December 3, 1998, 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 176-3005.

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 23, 1998. No protests have been filed.
2. Caltrans requests authority, under Public Utilities Code Section 1201-1205, to construct westbound State Route 4 at separated grades above the tracks of the BNSF identified as Christie Overhead PUC Crossing Number 2-1176.25-A.
3. Public convenience and necessity require the construction of the Christie Overhead on Route 4 in Contra Costa County.
4. Caltrans, acting by and through the California Transportation Commission, 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.

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 at separated grades between westbound Route 4 and the tracks of the Burlington Northern and Santa Fe Railway Company (BNSF) in Contra Costa County at the location as shown on the plans attached to the application, to be identified as Christie Overhead PUC Crossing Number 2-1176.25-A.
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 Caltrans 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.
5. Final construction plans, approved by County and BNSF, shall be filed by Caltrans with RSAC prior to commencing construction.
6. Caltrans will inform the RSAC Traffic 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 98-11-022 is closed.

This order becomes effective today.

Dated March 18, 1999, at San Francisco, California.

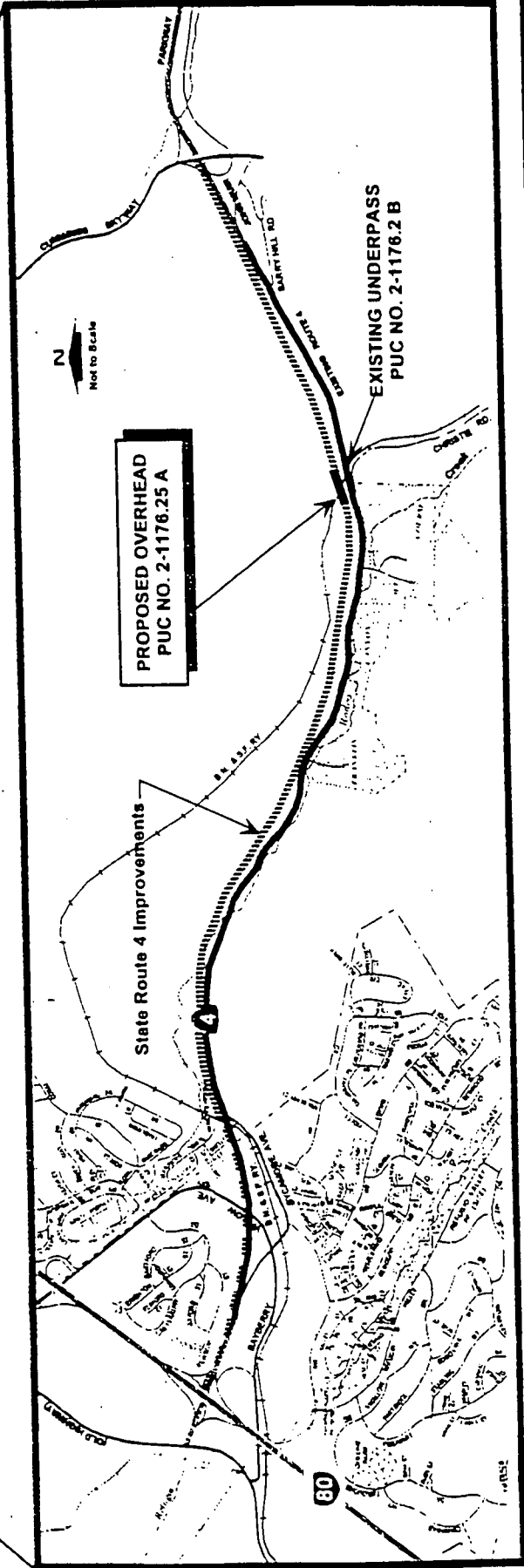
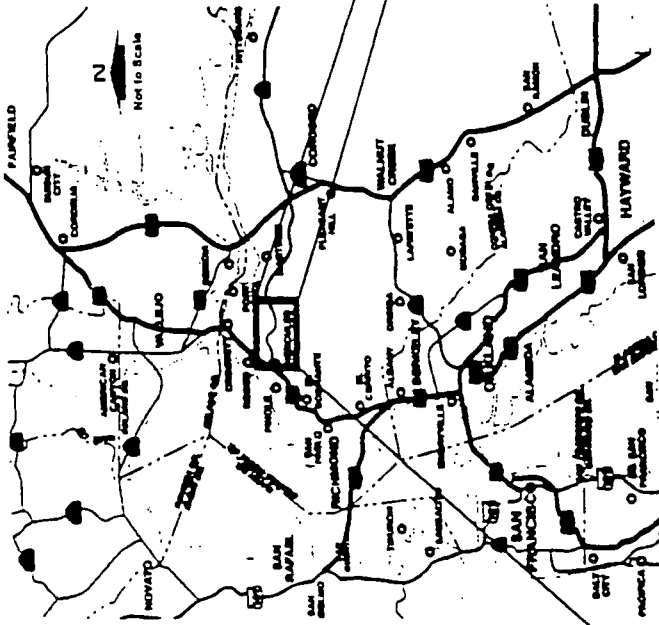
RICHARD A. BILAS

President

HENRY M. DUQUE

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Commissioners



80