

Mailed: August 6, 1999

Decision 99-08-011 August 5, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY of South San Francisco for an Order authorizing construction of a new grade separated crossing, known as the Oyster Point Flyover, over the tracks of the Peninsula Corridor Joint Powers Board (JPB) at Mile Post 8.70 in the City of South San Francisco

Application 99-03-007
(Filed March 1, 1999)

OPINION

The City of South San Francisco (City) requests authority to construct the Oyster Point Flyover at separated grade over the mainline and house tracks of the Peninsula Corridor Joint Powers Board (PCJPB) at milepost 8.70 in South San Francisco.

The public need to be served by the project is to provide direct access from southbound Highway 101 to eastbound Oyster Point Boulevard and Gateway Boulevard. The nearest public crossing to the north is the Oyster Point Overcrossing at milepost 8.67, and to the south at Grand Avenue at milepost 9.22; but neither of these overcrossings serves Highway 101. The project will provide egress from Highway 101 and will greatly reduce traffic congestion on the adjacent Airport Boulevard and Bayshore Boulevard and across the existing overcrossing of Highway 101 and PCJPB tracks. A map of the proposed project site is set forth in Appendix A.

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 (EIR), City approved the project. On October 29, 1990, City filed a Notice of Determination (NOD) with the County Clerk of San Mateo stating that "the project will not have a significant effect on the environment, and mitigation measures were made a condition of the approval of the project."

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

The Commission's Rail Safety and Carriers staff inspected the site of the proposed project, examined the need for the proposed overcrossing, and recommends that the authority sought be granted.

Application 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. City has requests that the authority granting construction effective immediately to maximize the construction season and minimize the disruption to the public.

In Resolution ALJ 176-3012 dated March 18, 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 176-3012.

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 March 10, 1999. No protests have been filed.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to construct the Oyster Point Flyover at separated grade over the mainline and house tracks of the PCJPB in South San Francisco, San Mateo County.
3. City is the lead agency for this project under CEQA, as amended.
4. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR and NOD.
5. The project will not 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. Public convenience and necessity require the construction of the overcrossing.
3. The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. The City of South San Francisco (City) is authorized to construct the Oyster Point Flyover at separated grades over the tracks of the Peninsula Corridor Joint Powers Board (PCJPB) in South San Francisco, San Mateo County, at the location and as shown on the plans attached to the application, to be identified as Crossing 105E-8.70-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 City with Commission's Rail Safety and Carriers Division (RSCD) 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 PCJPB, shall be filed by City with RSDC prior to commencing construction.

6. Within thirty (30) days after completion of the work under this order, City shall advise RSCC in writing that the authorized work has been completed.

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.

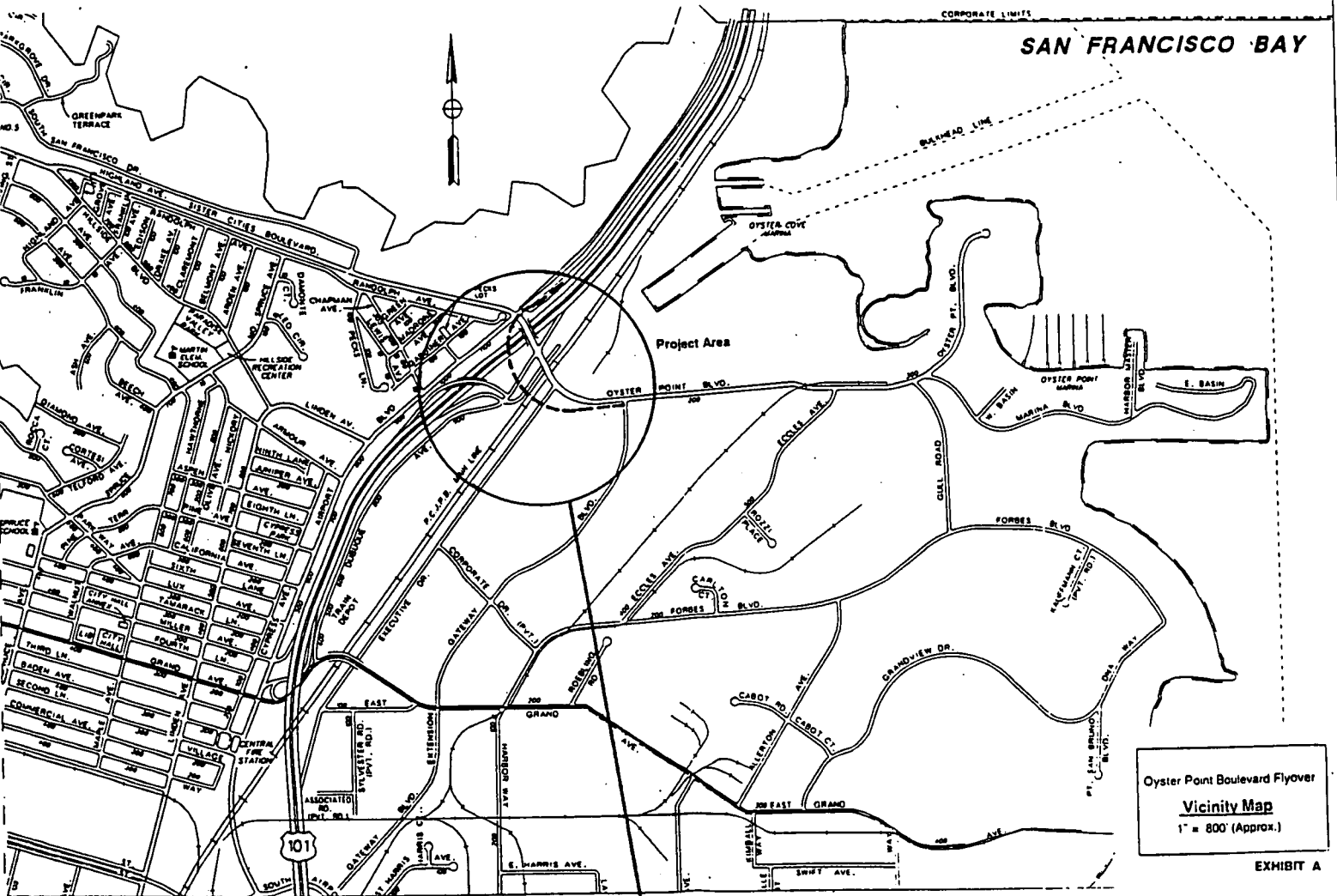
8. This application is granted as set forth above.

9. Application 97-06-007 is closed.

This order becomes effective today.

Dated August 5, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners



Proposed Overcrossing PUC No. 105E-8.7-A

Oyster Point Boulevard Flyover
 Vicinity Map
 1" = 800' (Approx.)

EXHIBIT A