

Mailed: September 3, 1999

Decision 99-09-013 September 2, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of State of California, Department of)	
Transportation for an order authorizing the Department)	Application 99-05-016
To: alter, construct and maintain, and protect)	(Filed May 11, 1999)
Respectively an existing grade crossing of the Napa)	(Amended May 24, 1999)
Valley Wine Train Company track, located in Napa)	
County, State of California.)	
-----)	

OPINION

As part of the project to widen shoulders and construct left turn lanes on Route 29 the State of California, Department of Transportation (Caltrans)) requests authority to alter existing at grade crossing No.87-84.8 to construct Class I bikeways across Napa Valley Wine Train Company 's tracks at State Route 29 and Whitehall Lane in Napa County.

The Class I bikeways will be six feet wide and approximately 420 feet long on the east side and 340 feet long on the west side of Route 29. The bikeways are designed to allow cyclists to cross the tracks at an angle that is as close to 90 degrees as possible.

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. On January 12, 1998 Caltrans filed its Categorical Exemption/Exclusion approving this project. The project was found not to have a significant effect on the environment.

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 or relocating 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 have 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 176-2989 dated March 24, 1998, 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 176-2989.

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 May 13, 1999. One amendment was filed on May 24, 1999 and published on May 26, 1999. No protests have been filed.
2. Caltrans requests authority, under Public Utilities Code Sections 1201 - 1205, to alter the existing at grade crossing No. 86-84.8 to construct Class I bikeways across the Napa Valley Wine Train Company's main line tracks at State Route 29 and Whitehall Lane, in Napa County.
3. The bikeway is required to allow cyclists to cross the tracks at as close to 90 degrees as possible.
4. Public convenience and necessity require construction of the bikeway.
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 Class I Bikeways across the Napa Valley Wine Train Company's (NVWTC) main line tracks at the location and substantially as shown by plans attached to the application.
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 99-05-016 is closed.

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This order becomes effective today.

Dated September 2, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners

R U T H E R F O R D

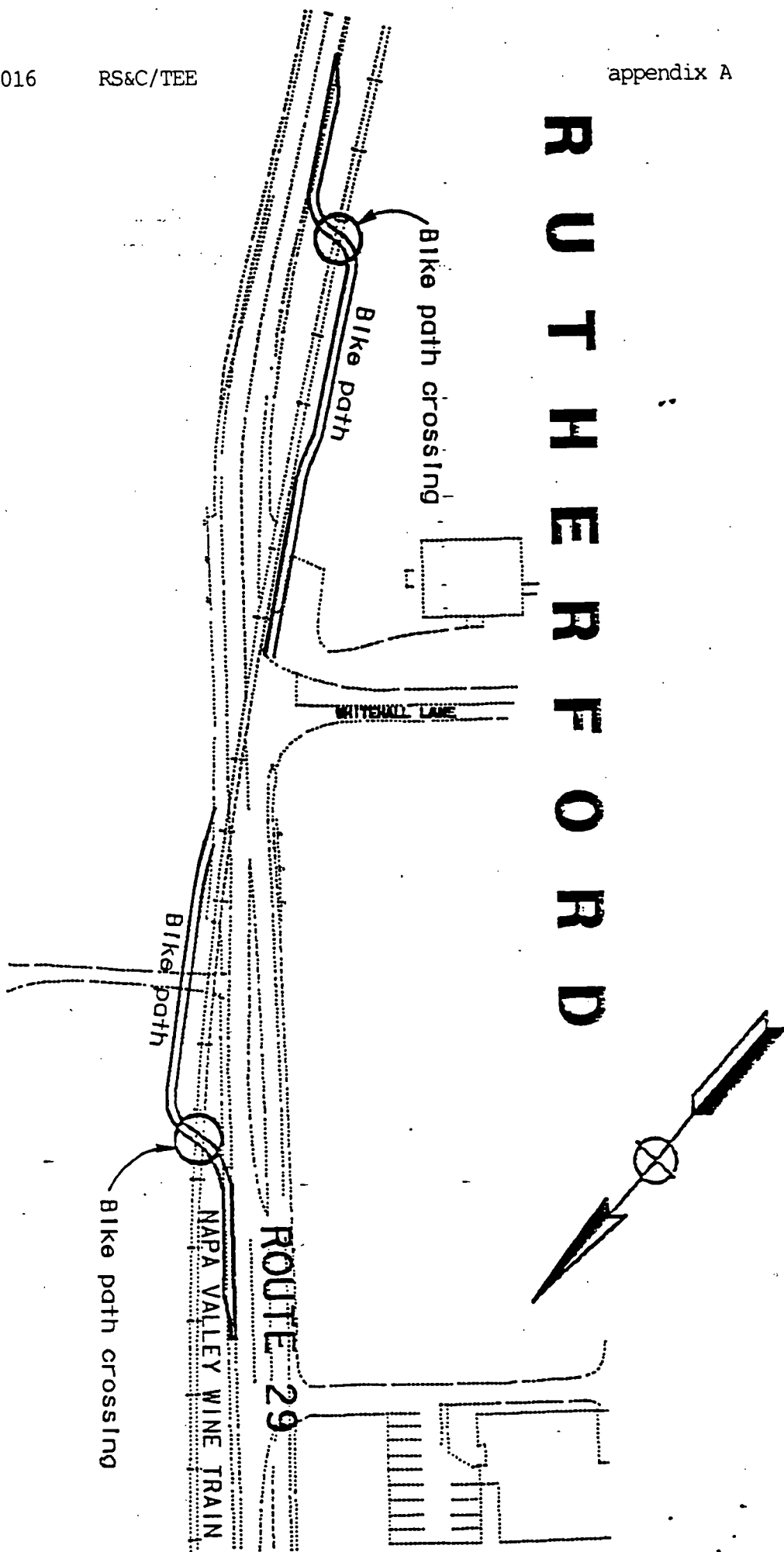


EXHIBIT **B**