

Decision 99-10-021 October 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Carlos for an order to: construct a new crossing at separated grades to be known as "Arroyo Avenue Pedestrian Undercrossing: under tracks of Peninsula Corridor Joint Powers Board Commuter Service main line at Railroad Mile Post E-23.6 south of Arroyo Avenue in the City of San Carlos, County of San Mateo, State of California

Application 98-12-017
(Filed December 9, 1998)

O P I N I O N

The City of San Carlos (San Carlos) requests authority to construct a new, grade-separated pedestrian undercrossing, to be known as the "Arroyo Avenue Pedestrian Undercrossing", under the raised mainline tracks of the Peninsula Corridor Joint Powers Board (PCJPB) in San Carlos, San Mateo County. The proposed pedestrian undercrossing will be part of the Ralston/Harbor/Holly Grade Separation Project, which was authorized by the California Public Utilities Commission in Decision 95-09-071. Construction has begun on the pedestrian undercrossing and the project is expected to be completed within three years.

San Carlos is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA) Public Resources Code Section 21101, et seq. After preparation and review of an Environmental Impact Report (EIR), San Carlos approved the project. On January 10, 1994 San Carlos filed its Notice of Determination, attached to the Application as Exhibit D. The project was to have a significant effect upon the environment and mitigation measures were made a condition of the approval of the project.

The Commission is a responsible agency for the project under CEQA and has reviewed the lead agency's EIR and Notices of Determination. Mitigation measures will reduce impacts to acceptable levels.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division's Rail Engineering Safety staff. The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 98-12-017 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.

In Resolution ALJ 176-3007 dated January 7, 1999, 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 176-3007.

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 waved.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on December 21, 1998. No protests have been received.
2. San Carlos requests authority under Public Utilities Code Sections 1201-1205 to construct the Arroyo Avenue Pedestrian Undercrossing under the mainline tracks of PCJPB in San Carlos, San Mateo County.
3. Public convenience and necessity require construction of the undercrossing.

4. San Carlos is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for the project and has considered the lead agency's EIR and Notice of Determination.

6. The mitigation measures adopted by San Carlos 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 Carlos (San Carlos) is authorized to construct the Arroyo Avenue Pedestrian Undercrossing under the mainline track of the Peninsula Corridor Joint Powers Board (PCJPB), in San Carlos, San Mateo County, at the location and substantially as shown on the plans attached to the application and in Appendix A to be identified as Crossing 1E 23.6-BD.

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 PCJPB shall be filed with the Commission's Safety and Carriers Division. 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, San Carlos shall advise the Commission's Rail Safety and Carriers Division 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. The application is granted as set forth above.

8. Application A98-12-017 is closed.

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

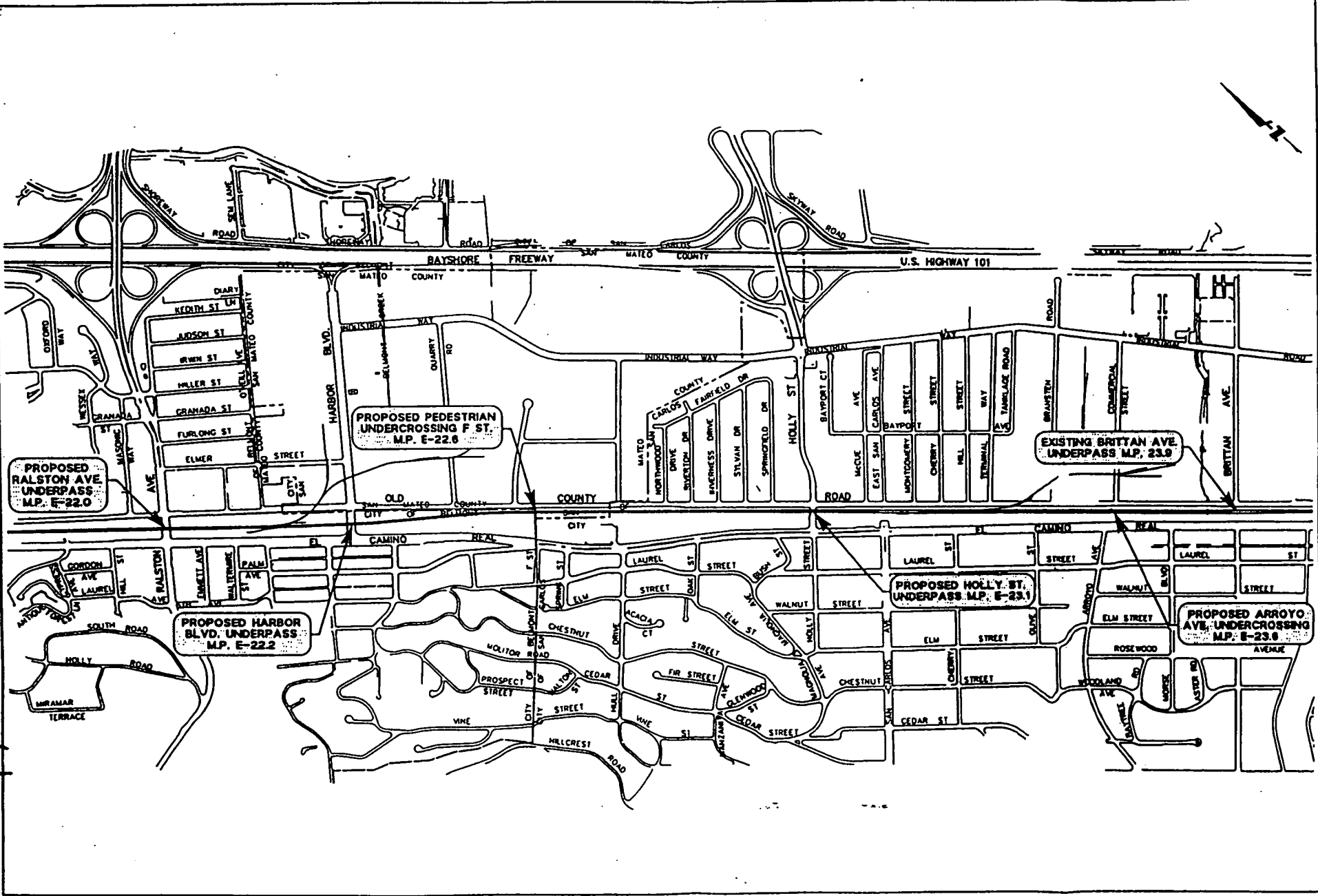
Dated October 7, 1999, at San Francisco, California.

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

A98-12-017

EXHIBIT "B-1"

Appendix A



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RALSTON / HARBOR / HOLLY GRADE SEPARATIONS
 EXHIBIT B-1
 LOCATION MAP



DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
SCALE	NONE
SHEET NO.	0