

Decision 99-11-017 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of City of Davis, for an order authorizing )  
 The City to:Construct Putah Creek Underpass )  
 under the tracks and right of way of the Union )  
 Pacific Transportation Company's main line )  
 track located in the City of Davis, Yolo County )  
 \_\_\_\_\_ )

Application 99-07-034  
(Filed July 21, 1999)

OPINION

As part of the Putah Creek Bicycle Path project, the City of Davis (Davis) requests authority to construct the Putah Creek Pedestrian/Bicycle Underpass under the Union Pacific Transportation Company's (UP) main line tracks in Davis.

The Underpass will consist of a single cell reinforced concrete box culvert with inside clearances of 12 feet horizontally and 8 feet vertically. The project will comply with the American Railway Engineering Association Manual for Railway Engineering supplemented by the Guidelines for Design and Construction of Grade Separation Underpass Structures by the Union Pacific Railroad Company.

Davis 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 October 10, 1997 Davis filed its Negative Declaration approving this project. The project was found not to have any residual significant effect on the environment and that mitigation measures incorporated into the project design will avoid the effects or mitigate the effects to a point where no significant adverse impacts will occur.

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

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 underpass and recommends that the sought authority be granted. Davis has requested that the authorization be granted for a period of three (3) years.

In Resolution ALJ 176-3021 dated August 5, 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 176-3021.

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 July 27, 1999. No protests have been filed.
2. Davis requests authority, under Public Utilities Code Sections 1201 - 1205, to construct the Putah Creek Underpass under the UP's main line tracks in the City of Davis, Yolo County.
  2. The underpass is required to provide an additional crossing of Interstate 80 and UP tracks for bicyclists and pedestrians.
  3. Public convenience and necessity require construction of the underpass.
  5. Davis 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 Negative Declaration.
  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 City of Davis (Davis) is authorized to construct the Putah Creek Underpass under the Union Pacific Transportation Company's (UP) main line tracks at the location and substantially as shown by plans attached to the application and to be identified as Crossing A-75.32-B.
2. Clearances shall be in accordance with GO 26-D.
3. Walkways shall conform to GO 118.
4. 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.
5. 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 UP, shall be filed by Davis 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.
6. Within thirty (30) days after completion of the work under this order, Davis shall advise the Commission's Rail Safety and Carriers Division, Traffic Engineering Section 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.

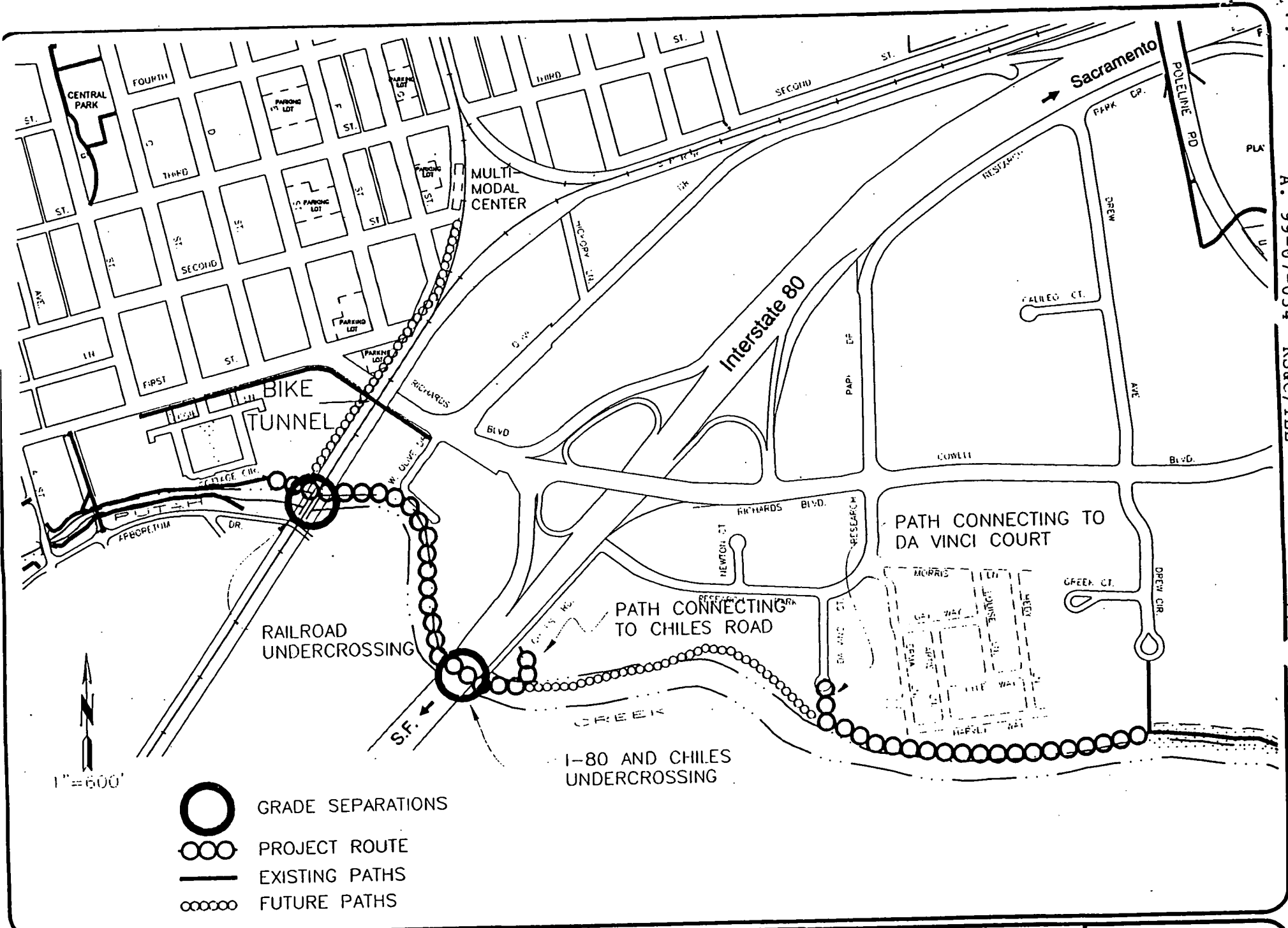
8. This application is granted as set forth above.





9. Application 99-07-034 is closed.

This order becomes effective today:

Dated November 4, 1999, at San Francisco, California.

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



-  GRADE SEPARATIONS
-  PROJECT ROUTE
-  EXISTING PATHS
-  FUTURE PATHS

# Putah Creek Bicycle Crossing of I-80 and SPRR

7-29-97

CITY OF DAVIS  
PUBLIC WORKS DEPARTMENT