

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



July 8, 2011

File Number: G.11-05-006

Benjamin H. Scharf
Senior Assistant Counsel
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1906

**Re: General Order 88-B Request for Authority to Alter the Mission Boulevard (State Route 262) Grade-Separated Highway-Rail Crossings in the City of Fremont, Alameda County.
CPUC Crossing Numbers 001DA-6.30-B & 004G-6.60-B
U.S. DOT Crossing Numbers 750072X & 833884K**

Dear Mr. Scharf:

This refers to your letter dated May 19, 2011 and received by us on May 23, 2011 requesting authorization, pursuant to Commission General Order (GO) 88-B, to alter the existing grade-separated highway-rail crossings of Mission Boulevard (State Route 262) in the City of Fremont (City), County of Alameda. The request was signed by the Santa Clara Valley Transportation Authority (VTA). Evidence of concurrence was provided by Union Pacific Railroad (UP), City of Fremont (City), and the California Department of Transportation District 4 (Caltrans).

VTA proposes to reconstruct 2 existing grade-separated highway-rail crossings. Mission Boulevard (State Route 262) currently runs beneath all tracks. The proposed structures will be above the widened roadway to carry railroad tracks and future rail transit tracks. The west crossing is currently identified as CPUC Crossing No. 001DA-6.30-B and DOT No. 750072X, which is along the railroad corridor owned by UP and identified as the Warm Springs Subdivision. The east crossing is currently identified as CPUC Crossing No. 004G-6.60-B and DOT No. 833884K of the UP Milpitas Subdivision, which is along the future rail transit corridor acquired and now owned by VTA.

The proposed modifications are part of a much larger project to extend rail transit service between City of Fremont and City of San Jose.

The proposed alterations, as more completely described in the request letter and shown in the attachments, shall consist of:

1. Construction of a bridge for 2 railroad tracks along the UP-owned right-of-way above Mission Boulevard.
2. Construction of a bridge for 2 future rail transit tracks along the VTA-owned right-of-way above Mission Boulevard.
3. Widening of Mission Boulevard, including construction of ramps, per plan.

Staff has investigated VTA's request, and finds it adequately addresses compliance and safety. As VTA, UP, City and Caltrans are in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, you may proceed with the improvements as described in your request letter and attachments and summarized above.

Temporary traffic controls shall be provided in compliance with Section 8A.05, Temporary Traffic Control Zones, of the CA MUTCD, published by Caltrans.

All parties shall comply with all applicable rules, including Commission General Orders and CA MUTCD.

This project is statutorily exempt from the requirements of the California Environment Quality Act of 1970, as amended [California Public Resources Code 21080.13].

This authorization shall expire if the above conditions are not complied with or if the work is not completed within three years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved parties in support of the time extension. If an extension is requested, the Commission's Rail Crossings Engineering Section (RCES) may reevaluate the crossing prior to granting an extension.

Within 30 days after completion of this project, VTA shall notify RCES that the authorized work is completed, by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

Upon completion of the project UP and VTA should submit an updated FRA inventory form to the Federal Railroad Administration, reflecting the new ownership and use of CPUC Crossing No. 004G-6.60-B / DOT No. 833884K. CPUC requests a concurrent copy of the updated inventory form be submitted to rces@cpuc.ca.gov.

Ben Scharf, VTA
G.11-05-006
July 8, 2011
Page 3 of 3

If you have any questions, please contact Kevin Schumacher at kevin.schumacher@cpuc.ca.gov or (415) 703-1208.

Sincerely,

A handwritten signature in black ink that reads "Daren Gilbert". The signature is written in a cursive, slightly slanted style.

Daren Gilbert, Manager
Rail Transit & Crossings Branch
Consumer Protection and Safety Division

cc: James H. Smith
Manager Industry & Public Projects
Union Pacific
9451 Atkinson St
Roseville, CA 95747

Emily Landin-Lowe
Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

James E. Pierson
Public Works Director
City of Fremont
P.O. Box 5006
Fremont, CA 94537-5006