

ORIGINAL

Decision No. 63628

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the City of Fremont, Alameda County,)
 California, for a railroad grade)
 crossing over the Southern Pacific)
 Company's railroad in the City of)
 Fremont, Centerville District (New)
 Street).)

Application No. 43387

Raymond E. Ott, for City of Fremont, applicant.
Randolph Karr and Harold S. Lentz, for Southern
 Pacific Company; G. E. Newton, R. Hoffman
 and J. A. Dryselt, for Union Oil Company of
 California, protestants.
Leighton Katch, for Western Pacific Railroad
 Company; Gene Rhodes, for Booth Enterprises,
 Inc., interested parties.
Charles J. Astrue, for the Commission staff.

OPINION AND ORDER

By this application filed May 10, 1961, the City of Fremont seeks authority to construct a public highway across the track of the Southern Pacific Company.

Public hearing was held before Examiner Martin J. Porter on February 6, 19, 20, 21 and 23, 1962, in the City of Fremont, on which latter date the matter was submitted.

The evidence of the applicant is that the property owners between Baine and Central Avenues and between Joseph Avenue and Tract 1454 are in the process of forming an assessment district for the purpose of paying for local improvements of a proposed commercial and industrial development in the City of Fremont.

The proposed grade crossing is desired to provide access and circulation for the expected traffic to be generated by the proposed development. A grade separation was not deemed practical due

to the cost of construction in relation to the anticipated vehicular traffic at this crossing.

The number of vehicles which would use the proposed crossing is estimated by studies of other developments whose land use is similar to the land use anticipated in the proposed development.

There is no estimate as to the time when the land in the proposed development will be fully occupied.

There are at present routes available to the proposed area to be developed.

The protestant's evidence is that there is anticipated a more frequent use by the railroad of the track proposed to be crossed. The type of crossing proposed, which has been termed a "T crossing", is one that has the ingress or egress road entering or leaving, but not crossing over, a road parallel to the railroad tracks. This type of crossing is very hazardous and it is difficult to provide for safety protection.

Based on the evidence we find and conclude that anticipated vehicular traffic, at some time in the future from an area that is in its formative stage of development, would not support a finding that public health, safety, or welfare require the proposed grade crossing at the present time. Accordingly,

IT IS ORDERED that Application No. 43387 is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of May, 1962.

Cecil B. Rags
 President

George H. Thayer
 Commissioner

Fredrick B. Hallock
 Commissioner