

ORIGINALDecision No. 83055

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the SAN FRANCISCO)
 BAY AREA RAPID TRANSIT DISTRICT)
 for authority to alter the over-)
 crossing of the main line tracks)
 of the Southern Pacific Company)
 near Industrial Parkway in the)
 City of Hayward, County of Alameda,)
 State of California)

Application No. 54416
 (Filed October 29, 1973)

O P I N I O N

San Francisco Bay Area Rapid Transit District requests authority to add a test track and widen a crossing at separated grades of its double track rail line and the relocated main line track of The Western Pacific Railroad Company over the main line track of Southern Pacific Transportation Company, in the City of Hayward, Alameda County.

Pursuant to Rule 17.1(n)(B), the applicant is the lead agency and has filed a "Determination of Environmental Exemption." Applicant asserts that there is an immediate need for the test track and requests waiver of the usual 20-day period.

Notice of the application was published in the Commission's Daily Calendar on October 31, 1973. Copies of the application were served on the Southern Pacific Transportation Company, the County of Alameda and the City of Hayward. Exceptions to the application were made by the Southern Pacific Transportation Company. However, an agreement was reached to the satisfaction of both parties, and the railroad withdrew its objection.

No further protest has been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. The proposed construction would not be adverse to the public interest.
2. Applicant should be authorized to widen the overcrossing of its tracks and tracks of the Southern Pacific Transportation Company D line at approximate Milepost 24.1 as shown by plans attached to the application.
3. Costs of widening the overcrossing should be borne by the applicant.
4. The applicant is the lead agency as defined in CEQA Guidelines, Sections 15030 and 15064. The Commission accepts the applicant's determination of environmental exemption and finds that:
 - a) The project consists of the minor alteration of an existing public structure involving negligible expansion of use beyond that previously existing.
 - b) The planned construction is categorically exempt from the provisions of the California Environmental Quality Act of 1970, as amended.
5. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with applicable rules and general orders of the Commission.
6. The waiver of the 20 days waiting period appears to be reasonable.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The San Francisco Bay Area Rapid Transit District is authorized to alter the existing grade separation box structure in the City of Hayward, Alameda County, by constructing a retaining wall and embankment at the location and substantially as shown by the plans and agreement attached to the application, identified as rail-over-rail crossing at approximate Milepost 24.1 of Southern Pacific Transportation Company's "D" Line.

2. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 113.

3. Widening expense of the crossing shall be borne by the applicant.

4. Construction plans of the crossing approved by the Southern Pacific Transportation Company, shall be filed with the Commission prior to commencing construction.

5. Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

6. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with.

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This authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 25th day of JUNE, 1974.

Vernon L. Sturges
President
William J. ...
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Commissioners