

CSE

Decision No. 83327

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Fremont for)
an order authorizing the establishment)
of a crossing at grade over a spur }
track upon which Southern Pacific }
Transportation Company operates }
located between Stevenson Boulevard }
and Stewart Avenue within the City }
of Fremont. }

Application No. 54708
(Filed March 5, 1974)

O P I N I O N

The City of Fremont requests authority to open to public use the private grade crossing at Albrae Street and tracks of the Southern Pacific Transportation Company.

The City of Fremont is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on January 30, 1974 adopted a Negative Declaration, filed as Exhibit B in the application.

Notice of the application was published in the Commission's Daily Calendar on March 7, 1974. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. The proposed public crossing would not be adverse to the public interest.

2. Applicant should be authorized to open to public use Albrae Street at grade across Southern Pacific Transportation Company's spur track in the City of Fremont, County of Alameda, at the location and substantially as shown by plans attached to the application, identified as Crossing L-35.25-C.

3. Costs of construction of the crossing should be borne by the Southern Pacific Transportation Company.

4. Installation and maintenance costs of the automatic protection should be borne by the railroad.

5. The Commission has considered the city's Negative Declaration in rendering its decision on this project. The Commission accepts said Negative Declaration and finds that the environmental impact of this proposed action is insignificant.

6. 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.

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 City of Fremont is authorized to open Albrae Street at grade across tracks of the Southern Pacific Transportation Company in the City of Fremont, County of Alameda, at the location and substantially as shown by plans attached to the application, identified as Crossing No. L-35.25-C.

2. Protection at the crossing shall be two Standard No. 8A cantilever signals (General Order No. 75-C) installed on or before December 31, 1974. Until said automatic protection has been installed and is operative, no on-rail vehicle shall be operated over said crossing unless first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.

3. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order No. 72-B).

4. Width of crossing and grades of approach shall be as shown on plans attached to the application.

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

6. Construction expense of the crossing shall be borne by the railroad.

7. Installation and maintenance costs of the automatic protection shall be borne by the railroad.

8. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission.

9. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

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

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

Dated at San Francisco, California, this 20th day of AUGUST, 1974.

Vernon L. Sturgeon
President
William J. Quinn
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Commissioners