

**ORIGINAL**

Decision No. 84811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Hercules for  
authority to construct a grade separated  
crossing of Atchison, Topeka and Santa  
Fe Railway Company trackage in said City  
of Hercules, State of California.

} Application No. 55706  
} (FILED: May 23, 1975)  
}

O P I N I O N

In accordance with the revised General Plan which it has adopted, the City of Hercules requests authority to construct Sycamore Avenue at separated grades under the existing railroad bridge of The Atchison, Topeka and Santa Fe Railway Company in the City of Hercules, Contra Costa County.

It is necessary to construct Sycamore Avenue under the existing railroad bridge to provide access to the new residential development which is about to be undertaken in the eastern part of the City of Hercules. Applicant has stated that it is imperative that construction of Sycamore Avenue be commenced at the earliest possible date as it is the key element for starting construction of the new residential development.

The City of Hercules is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the City of Hercules adopted its revised General Plan, and on April 23, 1975, filed a Notice of Determination with the Secretary for Resources and the Contra Costa County Clerk which found that "The project will have a significant impact on the environment".

Notice of the application was published in the Commission's Daily Calendar on Thursday, May 29, 1975. 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. Applicant should be authorized to construct Sycamore Avenue at separated grades under the existing railroad bridge of The Atchison, Topeka and Santa Fe Railway Company in the City of Hercules, Contra Costa County, at the location and substantially as shown by plans attached to the application.
2. Construction and maintenance costs of the crossing should be borne in accordance with an agreement to be entered into between the parties.
3. Dimensions, configurations, clearances and walkways should be substantially in accordance with plans attached to the application and comply with applicable rules and general orders of the Commission.
4. The Public Utilities Commission has considered the City of Hercules' Notice of Determination in rendering its decision on this project and finds that the benefits of the project involved in this proceeding outweigh any adverse effects and that it should be granted in view of the public benefits to be derived.

### 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 Hercules is authorized to construct Sycamore Avenue at separated grades under the existing railroad bridge of The Atchison, Topeka and Santa Fe Railway in the City of Hercules, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 2-1180.4-B.
2. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto and a copy of said agreement, together with plans of

the crossing approved by The Atchison, Topeka and Santa Fe Railway Company, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.


3. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.



4. 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. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th  
day of AUGUST, 1975.

  
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President  
*William Lyons*

  
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Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.