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Decision No. 85212

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF OAKLAND, a )  
municipal corporation, acting by and )  
through its Board of Port Commissioners, )  
for permission to construct new spur )  
track crossings at grade, to alter and ) Application No. 55994  
remove existing track crossings at grade, ) (Filed October 8, 1975)  
and to construct new tracks within a public )  
right-of-way, on Ferry Street and on Pier )  
Street, at the Port of Oakland Outer Harbor, )  
in the City of Oakland. )

O P I N I O N

As part of the project for redevelopment of the Oakland Outer Harbor Terminal, the City of Oakland, acting by and through its Board of Port Commissioners, requests authority to alter and remove existing trackage and to construct new track crossings at and along Ferry Street, across Terminal Street and across Pier Street in the Outer Harbor Terminal area of the Port of Oakland, in the City of Oakland, Alameda County.

Applicant is the lead agency for the project to redevelop the Oakland Outer Harbor Terminal, pursuant to the Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, applicant approved the project for redevelopment of the Oakland Outer Harbor, and on February 14, 1974, filed a Notice of Determination with the Alameda County Clerk which found that "the project will not have a significant effect on the environment".

Applicant is undertaking a \$20,000,000 redevelopment of its Outer Harbor Terminal and states that prospective tenants are awaiting completion of the redevelopment and that undue delay in completion of the track improvements will result in loss of rental income to applicant and injury to the economy of the San Francisco Bay Area. Applicant has, therefore, requested that the usual 20-day waiting period be waived so that construction may commence at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on October 9, 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. The City of Oakland should be authorized to construct, remove, alter and relocate trackage at the locations and substantially as shown on the drawings (Port File AA-1727, Sheets 1 and 2 of 2), attached to the application, in the Port of Oakland, City of Oakland, Alameda County.
2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans attached to the application and comply with applicable rules and general orders of the Commission.
3. Cost of the crossings, removal of trackage, and installation of the automatic warning devices should be borne by the applicant.

4. Cost of the alterations and relocation of trackage should be borne in accordance with an agreement to be entered between the parties.
5. Maintenance of the crossings should be in accordance with General Order No. 72-B. Maintenance cost of the automatic warning devices should be borne by applicant.
6. The "No Right Turn" signal and the "No Left Turn" signal at the South Ferry Street crossing (signals located along Seventh Street) should be coordinated with the automatic warning devices at that crossing.
7. The Commission has considered applicant's Environmental Impact Report and Notice of Determination and finds with reasonable certainty that this project will not have a significant effect on the environment.
8. Applicant desires to commence the redevelopment of its Outer Harbor Terminal at the earliest possible date and, therefore, the usual 20-day waiting period should be waived.

#### 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 Oakland is authorized to construct, alter, relocate and remove the following trackage in the City of

Oakland, Alameda County, substantially as shown by plans attached to the application and in accordance with the following tabulation:

<u>Crossing No. and Street</u>	<u>Track No.</u>	<u>Work to be Done</u>	<u>Warning Devices (G.O. 75-C)</u>	<u>Ownership</u>
A-4.36-C Ferry Street	2915	Construct New Trackage	Two Standard No. 8-A Canti- lever signals(1)	Port of Oakland
A-4.38-C Ferry Street	2903	Construct or Relocate Track	One Standard No. 1-R Crossing Sign	Port of Oakland
A-4.41-C Ferry Street	2932	Construct New Trackage	Two Standard No. 1-R Crossing Signs	Port of Oakland
A-4.46-C Ferry Street	2933	Construct or Relocate Track	One Standard No. 1-R Crossing Sign	Port of Oakland
A-4.57-C Ferry and Dolphin Sts.	2915	Construct or Relocate Track	Two Standard No. 1-R Crossing Signs	Port of Oakland
A-4.66-C Terminal and Pier Streets	2949	Construct New Trackage	One Standard No. 1-R Crossing Sign w/5-Track Sign	Port of Oakland
A-4.68-C Pier Street	2950 Crossover	Construct New Trackage	-	Port of Oakland
A-4.70-C Orient and Pier Streets	2937	Construct New Trackage	-	Port of Oakland
A-4.70-C Orient and Pier Streets	2949	Construct or Relocate Track	-	Port of Oakland
A-4.80-C Ferry and Pier Streets	2945	Construct or Relocate Track	Three Standard No. 8-A Canti- lever Signals and One Standard No. 8 Signal	Port of Oakland

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<u>Crossing No. and Street</u>	<u>Track No.</u>	<u>Work to be Done</u>	<u>Warning Devices (G.O. 75-C)</u>	<u>Ownership</u>
A-4.25-C Ferry Street	2901	Remove and Retire Track	-	Port of Oakland
A-4.25-C Ferry Street	2902	Remove and Retire Track	-	Port of Oakland
A-4.25-C Ferry Street	2903	Relocate or Remove Track	-	Port of Oakland
A-4.47-C Ferry Street	2904	Remove and Retire Track	-	SPT Co.
A-4.47-C Ferry Street	2932	Remove and Retire Track	-	Port of Oakland
A-4.47-C Ferry and Freight Sts.	2933	Relocate or Remove Track	-	Port of Oakland
A-4.57-C Ferry and Dolphin Sts.	2934	Remove and Retire Track	-	SPT Co.
A-4.57-C Ferry and Dolphin Sts.	2935	Retire and Remove Track	-	Port of Oakland
A-4.18-C Terminal and Seventh Sts.	2915	Relocate and Rearrange Track	Two Standard No. 1-R Cross- ing signs	SPT Co.
A-4.18-C Terminal St.	2914	Retire and Remove Track	-	SPT Co.
A-4.24-C Terminal St.	2922	Retire and Remove Track	-	Port of Oakland

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<u>Crossing No. and Street</u>	<u>Track No.</u>	<u>Work to be Done</u>	<u>Warning Devices (G.O. 75-C)</u>	<u>Ownership</u>
A-4.23-C Unnamed Street	2901	Retire and Remove Track	-	SPT Co.
A-4.30-C Unnamed and Freight Streets	2932	Retire and Remove Track	-	SPT Co.
A-4.38-C Freight and Orient Streets	2937	Retire and Remove Track	-	SPT Co.
A-4.42-C Terminal Street	2922	Retire and Remove Track	-	Port of Oakland SPT Co.
A-4.48-C Petroleum Street at Terminal St.	2924	Retire and Remove Track	-	SPT Co.
A-4.48-C Petroleum Street at Terminal St.	2930	Retire and Remove Track	-	SPT Co.
A-4.54-C Terminal Street	2953	Retire and Remove Track	-	SPT Co.
A-4.58-C Petroleum Street	2937	Retire and Remove Track	-	SPT Co.
A-4.61-C Terminal Street	2949	Retire and Remove Track	-	SPT Co.
A-4.70-C Pier Street	2949	Retire and Remove Track	-	SPT Co.

(1) In addition, one "No Right Turn" signal and one "No Left Turn" signal shall be installed along Seventh Street.

2. Clearances shall be in accordance with General Order No. 26-D.

Walkways shall conform to General Order No. 118.


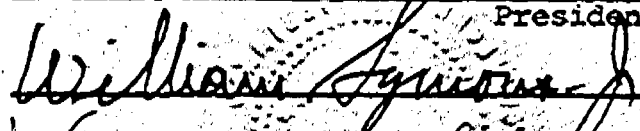
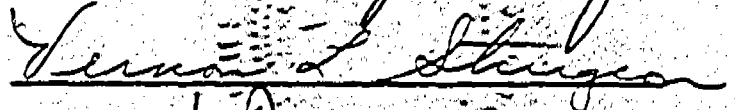
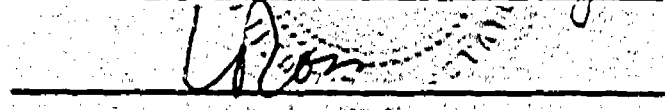
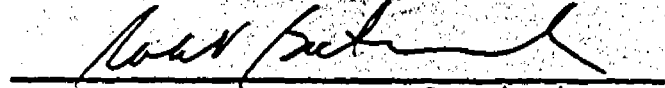
3. Walkways areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.
4. Cost of construction of the crossings, removal of Port of Oakland trackage and installation of the automatic warning devices together with the special "No Turn" signals shall be borne by the applicant.
5. Cost of the alterations and the relocation of trackage shall be borne in accordance with an agreement to be entered into between the parties relative thereto.
6. Maintenance of the crossings shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic warning devices shall be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
7. The "No Right Turn" signal and the "No Left Turn" signal to be installed along Seventh Street for Crossing No. A-4.36-C shall be coordinated with the automatic warning devices at that crossing.
8. Applicant's request that the proposed crossings be declared exempt from the provisions of Section 22452 of the California Vehicle Code shall be granted. Each crossing shall display distinctive "exempt signs" and such signs shall comply with Decision No. 58885 and shall be installed by applicant.

9. Construction plans of the work herein authorized 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 prior to commencing construction.
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. 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 2nd  
day of DECEMBER, 1975.

  
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President  
  
  
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Commissioners