

Decision No. 85231

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Newark
(a municipal corporation) of the
County of Alameda of the State of
California for permission to alter an
existing at grade crossing over the
Southern Pacific Transportation Company's
railroad tracks at Enterprise Drive in the
City of Newark, County of Alameda,
State of California.

} Application No. 55867
(Filed August 18, 1975)

O P I N I O N

The City of Newark requests authority to alter and improve the existing crossings of the Southern Pacific Transportation Company's tracks at the intersection of Enterprise Drive and Willow Street in the City of Newark, Alameda County. The proposed work will include the minor relocation of a spur track across Enterprise Drive and Willow Street, the construction of a new drill track across Enterprise Drive which will be adjacent and parallel to another existing spur track and upgrading of the warning devices at the two crossings.

The City of Newark is the lead agency for this project, pursuant to the Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the City Council of the City of Newark approved the project and filed a Notice of Determination with the Alameda County Clerk on November 5, 1975.

Notice of the application was published in the Commission's Daily Calendar on August 19, 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 alter and improve the existing crossings of the Southern Pacific Transportation Company's tracks at the intersection of Willow Street and Enterprise Drive in the City of Newark, Alameda County, at the location and substantially as shown by plans attached to the application.

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. Construction costs of the crossings should be borne in accordance with an agreement to be entered into between the parties. Maintenance of the crossings should be in accordance with General Order No. 72-B.

4. Installation and maintenance costs of the automatic protection should be shared equally by applicant and the railroad.

5. The Commission has considered the applicant's Notice of Determination and finds with reasonable certainty that this project will not have a significant effect on the environment.

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 Newark is authorized to relocate an existing spur track across Willow Street (Crossing No. DAB-36.73-C) and Enterprise Drive (Crossing DAB-36.71-C) and to construct a new drill track across Enterprise Drive (Crossing No. DAB-36.71-C) adjacent and parallel to another existing spur track, all in the City of Newark, Alameda County, at the location and substantially as shown by plans attached to the application.

2. Protection at the crossings shall be four Standard No. 8-A cantilever type flashing light signals and one Standard No. 8 flashing light signal (General Order No. 75-C) to be installed as shown by plans attached to the application.

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

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

5. Construction costs of the crossings shall be borne in accordance with an agreement to be entered into between the parties relative thereto.

6. Installation costs of the automatic protection shall be shared equally by applicant and the railroad.

7. Maintenance of the crossings shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be shared equally by the applicant and the railroad pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

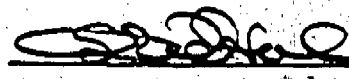
8. Construction plans of the crossings approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

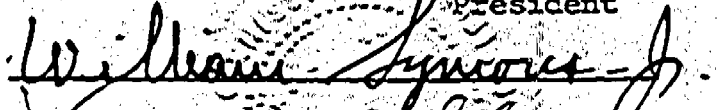
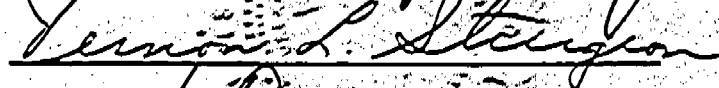
9. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

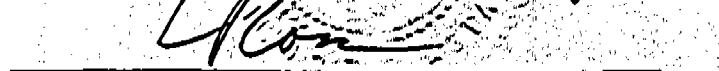
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9th day of DECEMBER, 1975.



President





Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.