

Decision No. 85256**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
the CITY OF OAKLAND, a municipal  
corporation, to improve a public  
street extending from Fallon Street  
westerly to Webster Street, and being  
an improvement of the street known as  
"Embarcadero," which has main lines  
and spur lines of the Southern Pacific  
Company within the right of way, and  
altering and closing certain grade  
crossings in the vicinity.

Application No. 55840  
(Filed July 30, 1975)

O P I N I O N

As part of the City of Oakland's project for redevelopment of the Embarcadero area, fronting along the Oakland Estuary, and realignment of Embarcadero, the City requests authority to alter or abolish certain crossings at grade over the tracks of the Southern Pacific Transportation Company in the City of Oakland, Alameda County.

The City of Oakland is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. By Resolution No. 55133 C.M.S., dated November 4, 1975, the City Council accepted and certified the final Negative Declaration. After review of the Negative Declaration, applicant approved the project for the improvement of Embarcadero between Webster and Fallon Streets, and on November 7, 1975 filed a Notice of Determination with the Alameda County Clerk which found that the project will "have no significant effect on the environment."

Applicant has advised that it will be subject to financial penalties if the construction is delayed beyond December 17, 1975 and has therefore requested that the usual 20-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on August 1, 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 reconstruct the grade crossings of Southern Pacific Transportation Company's tracks with Webster Street (PUC No. D-6.8), Alice Street (PUC No. D-6.95), and Oak Street (PUC No. D-7.2); to improve the warning devices at said crossings; cause the removal of the railroad signal bridge between Jackson and Madison Streets and the removal of two spur tracks and two crossovers on the present alignment of Embarcadero; and to abolish the existing grade crossings over the Southern Pacific Transportation Company's tracks at Jackson Street (PUC No. D-7.0), Madison Street (PUC No. D-7.1) and Fallon Street (PUC No. D-7.3) by physical closure, at the locations and substantially as shown on the plan attached to the application, in the City of Oakland, Alameda County.
2. Applicant's request to abolish the railroad crossing of Embarcadero with Harrison Street (PUC No. D-6.9-B) should be denied since this is a crossing at separated grades. This structure is used by vehicular traffic traveling in an eastward direction between the Cities of Alameda and Oakland.
3. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan attached to the application and comply with applicable rules and general orders of the Commission.
4. Apportionment of costs should be in accordance with the agreement entered into between the parties dated May 27, 1975 and attached to the application.
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.

6. Applicant will be subject to financial penalties if construction of the project is delayed beyond December 17, 1975 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 improve the warning devices and to reconstruct the grade crossings of Webster Street (PUC No. D-6.8), Alice Street (PUC No. D-6.95) and Oak Street (PUC No. D-7.2) across the tracks of the Southern Pacific Transportation Company, at the location and substantially as shown on the plan attached to the application. Applicant is also authorized to abolish the existing grade crossings across the Southern Pacific Transportation Company's tracks at Jackson Street, (PUC No. D-7.0), Madison Street (PUC No. D-7.1), and Fallon Street (PUC No. D-7.3), all in the City of Oakland, Alameda County.
2. The railroad signal bridge located on the present alignment of Embarcadero between Jackson and Madison Streets; the two crossings, one of which is located westerly of Alice Street and the other in Jackson Street; and the two spur tracks, No. 631 and No. 632 located at Oak Street shall be removed.
3. Reconstruction of the crossing at Webster Street shall be equal or superior to Standard No. 1 (General Order No. 72-B) and the crossings at Alice Street and at Oak Street shall be equal or superior to Standard No. 4-C (General Order No. 72-B).
4. Warning devices to be installed at the crossings shall be as follows:

<u>Crossing No.</u>	<u>Location</u>	<u>Warning Devices</u> <u>(General Order No. 75-C)</u>
PUC No. D-6.8	Webster Street	2 Standard No. 9 signals
PUC No. D-6.95	Alice Street	2 Standard No. 9 signals
PUC No. D-7.2	Oak Street	2 Standard No. 9-A signals

In addition, a train-activated, illuminated "NO LEFT TURN" sign shall be installed on the island at the Webster Street Crossing.

5. Closure of the three grade crossings at Jackson Street (PUC No. D-7.0), Madison Street (PUC No. D-7.1) and Fallon Street (PUC No. D-7.3) shall be by removal of all physical signs of an existing roadway and the erection of suitable barricades.

6. Applicant's request that the separation structure at Harrison Street (PUC No. D-6.9-B) be abolished is hereby denied.

7. Clearances shall be in accordance with General Order No. 26-D. Walkway areas shall conform to General Order No. 113.

8. Cost of project and installation cost of the automatic warning devices shall be borne in accordance with the agreement entered into between the parties relative thereto.

9. Maintenance of the crossing shall be in accordance with General Order 72-B. Maintenance cost of the automatic warning devices shall be borne by the parties pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

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

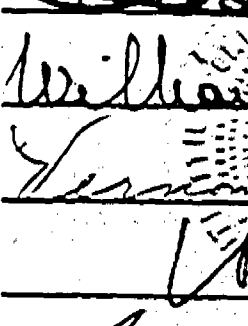
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are

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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 16th  
day of DECEMBER, 1975.

  
William J. Sullivan President  
William J. Sullivan  
William J. Sullivan  
William J. Sullivan  
William J. Sullivan  
Commissioners