

Decision No. 85395**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF LIVERMORE )  
 for an order authorizing construction of )  
 a crossing at separated grades between )  
 East First Street and the tracks of the ) Application No. 55948  
 Southern Pacific Transportation Company ) (Filed September 22, 1975)  
 and The Western Pacific Railroad Company, )  
 sometimes known as the East First Street )  
 Overhead. )

O P I N I O N

The City of Livermore, as part of the comprehensive track consolidation and grade crossing elimination program, requests authority to construct a new crossing at separated grades, to be known as the East First Street Overhead, over the main line tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company and to remove the existing public grade crossings over said main line tracks.

The City of Livermore is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. An Environmental Impact Report was prepared by DeLeuw, Cather & Company (consulting engineers) and submitted to the Livermore City Council, who on June 25, 1973 accepted and approved the final report.

Notice of the application was published in the Commission's Daily Calendar on September 24, 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 the "East First Street Overhead" at separated grades over the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company and to physically close and barricade the existing grade crossings at East First Street, identified as Crossing D-47.47 and Crossing 4-48.2, in the City of Livermore, Alameda County.

2. Dimensions, configurations, clearances and walkways should be substantially in accordance with plans revised October 8, 1975 and as set forth in the application and comply with applicable rules and general orders of the Commission.

3. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties.

4. The Commission has considered the applicant's Environmental Impact Report in rendering its decision on this project and finds that the proposed action is insignificant; the planned construction is the most feasible and economical that will avoid significant environmental impact; and that there are no known irreversible environmental changes involved in this project.

#### 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 Livermore is authorized to construct a new grade separation structure to be known as the "East First Street Overhead", over the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Livermore, Alameda County, at the location and substantially as shown by plans revised October 8, 1975 and as set forth in the application, to be identified as Crossing No. D-47.7-A (SPTCo) and Crossing No. 4-48.4-A (WPRR).

2. Construction and maintenance expense shall be borne in accordance with agreements to be entered into between the parties relative thereto, and a copy of the agreements, together with plans of the crossings approved by the Southern Pacific Transportation Company and The Western Pacific Railroad 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 be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21 ft. 0 in. above top of rail is authorized for the grade separation structure and the Southern Pacific Transportation Company and The Western Pacific Railroad Company are authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroads and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

4. The applicant shall notify the Commission, the Southern Pacific Transportation Company and The Western Pacific Railroad Company at least 15, but not more than 30 days in advance of the date when each temporary impaired clearance will be created.

5. Walkway areas adjacent to the railroad tracks shall be maintained free of obstruction and shall promptly be restored to their original condition in the event of damage during construction.


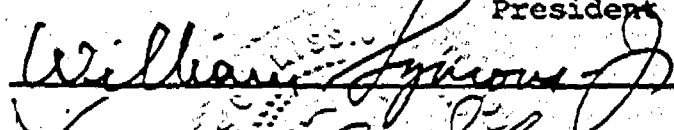
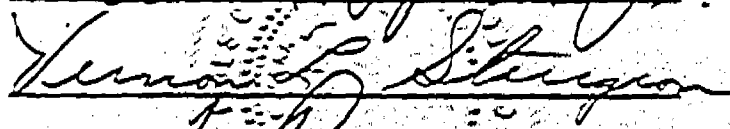
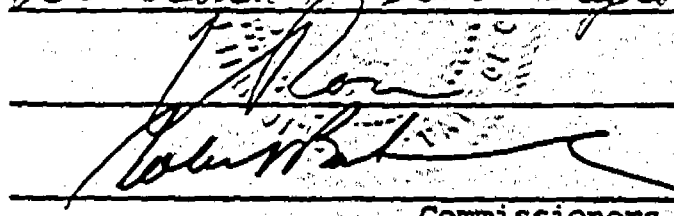
6. Upon completion of the "East First Street Overhead", the existing public grade crossings at East First Street, Crossings Nos. D-47.47 (SPTCo) and 4-48.2 (WPRR), shall be physically closed and barricaded.

7. 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 three years unless time be extended or if 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 shall be twenty days  
after the date hereof.

Dated at San Francisco, California,  
this 27<sup>th</sup> day of JANUARY, 1976.

  
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President  
  
  
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Commissioners