

Decision No. 86072

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
SOUTHERN PACIFIC TRANSPORTATION COMPANY  
for an order authorizing the construction  
at grade of an industrial drill track in,  
upon, along or across Baumberg Avenue and  
Arden Road in the City of Hayward, County  
of Alameda, State of California.

Application No. 56237  
(Filed January 28, 1976)

O P I N I O N

As part of the project for development of the Hayward Gateway Industrial Center, the Southern Pacific Transportation Company requests authority to construct an industrial drill track at grade across Baumberg Avenue and Arden Road in the City of Hayward, Alameda County.

The City of Hayward is the lead agency for the project to develop the Hayward Gateway Industrial Center pursuant to the California Environmental Quality Act of 1970, as amended, and on December 14, 1973 approved a Negative Declaration which was filed with the Alameda County Clerk on December 20, 1973.

Cabot, Cabot & Forbes Hayward Properties, Inc., the developers, have three major tenants requiring immediate rail service. The developer and the railroad therefore request that the usual twenty-day waiting period be waived so that construction of the crossings may be commenced at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on January 30, 1976. 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 an industrial drill track at grade across Baumberg Avenue and Arden Road in the City of Hayward, Alameda County, at the location and substantially as shown by the plan attached to the application and identified as a

portion of existing Crossing L-23.0 (Baumberg Avenue) and Crossing L-23.35-C (Arden Road).

2. Construction of the crossing across Baumberg Avenue should be equal or superior to Standard No. 4-C (General Order 72-B) and across Arden Road should be equal or superior to Standard No. 1 (General Order 72-B).

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the new Arden Avenue crossing should be two Standard No. 9-A automatic gate type signals with cantilevers (General Order 75-C). Protection at the Baumberg Avenue Crossing should be the existing two Standard No. 9 automatic gate type signals (General Order 75-C) with the southerly signal relocated as shown on the plan attached to the application.

5. For a period not to exceed one year from date of this order, protection at the Arden Road crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered both sides on reflectorized white background. No on-rail vehicle should be operated over said crossing unless it shall first be brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as flagman.

6. Written instructions should be issued by the railroad to trainmen, operating over said crossing, to comply with said flagging instructions. A copy of said instructions should be filed with the Commission within thirty days after installation of said crossing. Suitable signs should be installed on both sides of Arden Road, calling attention of trainmen to the flagging instructions. Flagging procedures outlined herein should remain in full force until the required automatic protection is installed and operative.

7. Construction cost of the crossings, relocation cost of the automatic protection on the southerly side of the Baumberg Avenue crossing and installation cost of the automatic protection at the

Arden Avenue crossing should be borne by the applicant.

8. Maintenance of the crossings should be in accordance with General Order 72-B. Maintenance cost of the automatic protection to be installed at the Arden Avenue crossing should be borne by the applicant.

9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

10. In view of the applicant's need to commence construction at the earliest possible date, the usual twenty-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:


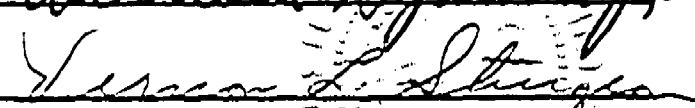
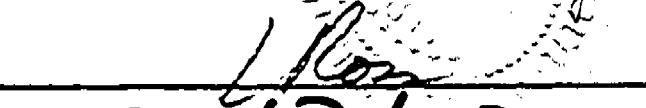
1. The Southern Pacific Transportation Company is authorized to construct an industrial drill track at grade across Baumberg Avenue and Arden Road in the City of Hayward, Alameda County, as set forth in the findings of this decision.

2. 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 one year 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 7<sup>th</sup> day  
of JULY 1, 1976.

 President  
William Aguirre  
  
 Commissioners  
Robert Batimanch