

ORIGINAL

Decision 84 02 035 FEB 1 1984

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 a crossing at grade on)
Embarcadero, across a drill track)
of Southern Pacific Transportation)
Company in the Port of Oakland)
Embarcadero Cove Marina Area, in)
the City of Oakland.)

Application 83-08-62
(Filed August 25, 1983;
Amended October 28, 1983)

O P I N I O N

As part of the project for development of the Embarcadero Cove Marina, the City of Oakland (City) requests authority to construct Embarcadero at grade across Southern Pacific Transportation Company's (SPT) drill track in Oakland, Alameda County. Authority is also requested to close the adjacent Diesel Street grade crossing of SPT's tracks upon completion of the Embarcadero grade crossing and its opening to vehicular traffic.

The project is located at the southerly end of Embarcadero adjacent to the Brooklyn Basin portion of the Inner Harbor in Oakland. Planned development includes a commercial fishing facility, a pleasure boat marina, a boat sales and repair facility, offices, and a restaurant. The Embarcadero Extension

will provide access to the proposed facilities and an alternate route for through traffic to relieve congestion and improve safety on nearby Kennedy Street at the southbound off-ramp from the Nimitz Freeway.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Environmental Impact Report (EIR), City approved the project. On September 7, 1979, a Notice of Determination was filed with the Alameda County Clerk which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

Notice of the application and amendment were published in the Commission's Daily Calendar on August 30 and October 31, 1983, respectively. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Embarcadero at grade across SPT's drill track in Oakland, Alameda County.

2. The proposed crossing is required to provide access to the Embarcadero Cove Marina development.

3. Public convenience, necessity, and safety require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

5. Upon completion of the Embarcadero grade crossing and its opening to vehicular traffic, the existing Diesel Street grade crossing should be closed and physically removed.

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

8. The project will have no significant impact on the environment.

Conclusion of Law

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 (City) is authorized to construct Embarcadero at grade across Southern Pacific Transportation Company's (SPT) drill track in Oakland, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing D-9.44-C.
2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.
3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.
6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.
7. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Upon completion of the Embarcadero grade crossing and its opening to vehicular traffic, the existing Diesel Street grade crossing, Crossing D-9.4-C, shall be closed and physically removed.

9. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

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

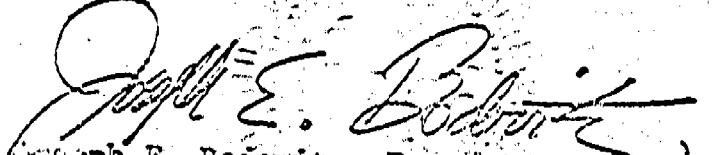
This order becomes effective 30 days from today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director