

Decision 84 08 101

AUG 1 1984

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the City of Alameda to relocate)
a City street across the right-of-)
way of the Southern Pacific)
Transportation Company at Work)
Street (Marina Village Parkway))
in the City of Alameda.)

Application 84-05-034
(Filed May 10, 1984)

O P I N I O N

The City of Alameda (City) requests authority to relocate the existing Work Street grade crossing as Marina Village Parkway across Southern Pacific Transportation Company's (SPT) tracks in Alameda, Alameda County.

The project is located near Mariner Square and the southerly entrance to the Posey Tube. Marina Village Parkway will lie approximately 120 feet south of existing Work Street and will provide access to a nearby projected marina development.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City has determined that the project is categorically exempt from CEQA under Section 15101 (c) of the PR Code: Minor alteration of an existing roadway.

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

Vintage Properties, the developer, desires to provide improved public access to the marina development at the earliest possible date. It is, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

Notice of the application was published in the Commission's Daily Calendar on May 15, 1984. 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 relocate the existing Work Street grade crossing as Marina Village Parkway across SPT's tracks in Alameda, Alameda County.

2. Relocation of the crossing to Marina Village Parkway is required to provide safe public access to the planned marina development.

3. Public convenience, necessity, and safety require relocation of the Work Street grade crossing to Marina Village Parkway.

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

5. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

6. Upon completion of the Marina Village Parkway crossing, and its opening to vehicular traffic, the existing Work Street grade crossing should be closed and physically removed.

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

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

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. The activity is not covered by the requirements of CEQA and, therefore, the Guidelines (14 Cal. Admin. Code-Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as Vintage Properties, the developer, wishes to provide improved public access to the marina development at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of Alameda (City) is authorized to relocate the existing Work Street grade crossing as Marina Village Parkway across Southern Pacific Transportation Company's (SPT) tracks in Alameda, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing D-13.5-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), to be installed under a California Department of Transportation Service Contract.

5. For a period not to exceed two years from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing unless it is first 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. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by SPT to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Marina Village Parkway calling the attention of trainmen to the flagging instructions.

7. Construction expense of relocating the Work Street grade crossing as Marina Village Parkway shall be borne by City.

8. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be shared equally by City and SPT under PU Code Section 1202.2.

9. 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.

10. Upon completion of the relocated crossing and its opening to vehicular traffic, the existing Work Street grade crossing, Crossing D.13.52-C, shall be closed and physically removed.

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

12. The application is granted as set forth above.

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 is effective today.

Dated AUG 1 1984 , at San Francisco, California.

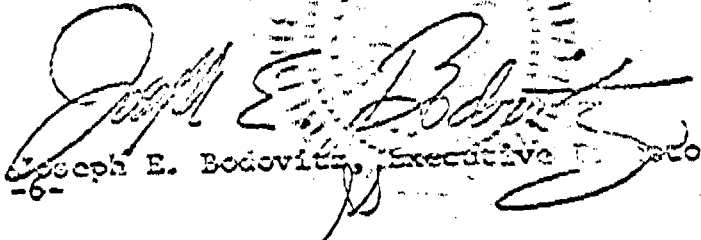
Commissioner Priscilla C. Grew,
being necessarily absent, did
not participate

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
Commissioners

Commissioner William T. Bagley
being necessarily absent, did
not participate.

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


Joseph E. Bodovitz, Executive Director