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T/AA/BB/WPSC

Decision 84 11 105 NOV 21 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF FREMONT)
to construct a grade separation of)
Paseo Padre Parkway over the)
Southern Pacific Transportation)
Company tracks in the COUNTY OF)
ALAMEDA.)

Application 84-08-038
(Filed August 7, 1984)

O P I N I O N

As part of the Ardenwood Forest-New Town development project, the City of Fremont (City) requests authority to construct Paseo Padre Parkway at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Elmhurst-Santa Clara Main Line in Fremont, Alameda County.

The project involves development of approximately 800 acres to include 3800 dwelling units, 283 acres of industry, 32 acres of commercial areas, and 105 acres of schools, parks, and open space. Paseo Padre Parkway will provide direct access between the Dumbarton Freeway (State Route 84) and the proposed development.

Major impacts of the project include loss of productive agricultural land, generation of increased traffic volumes, and an increased burden on community services and utilities. Mitigation measures will reduce the severity of the adverse impacts to an acceptable level.

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 December 3, 1981, a Notice of Determination was filed with the Alameda County Clerk which found that "the project will 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 was published in the Commission's Daily Calendar on August 13, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Paseo Padre Parkway at separated grades over the tracks of SPT's Elmhurst-Santa Clara Main Line in Fremont, Alameda County.
2. Construction of the grade separation is required to provide safe access to the Ardenwood Forest-New Town development.
3. Public convenience, necessity, and safety require construction of the proposed grade separation.

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

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

6. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

7. The EIR identifies no significant environmental impact which will be caused by construction of the Paseo Padre Parkway grade separation.

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 Fremont (City), is authorized to construct Paseo Padre Parkway at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Elmhurst-Santa Clara Main Line in Fremont, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing L-27.6-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 22'- 0" above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

3. City shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, 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.

6. 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.

7. This authorization shall expire if not exercised within three 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.

8. The application is granted as set forth above.

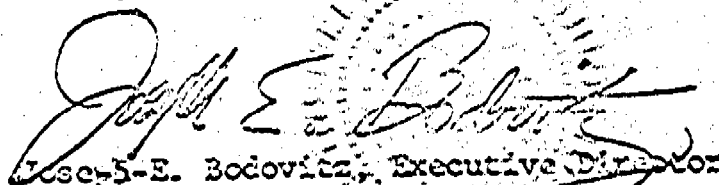
This order becomes effective 30 days from today.

Dated NOV 21 1984, at San Francisco, California.

FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director