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Decision 88 08 042 AUG 24 1988

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Port of Oakland in )  
the City of Oakland, State of California) )  
for an order authorizing construction of) )  
a pedestrian bridge at Embarcadero West ) Application 87-12-058  
spanning the Southern Pacific ) (Filed December 31, 1987)  
Transportation Company tracks in the ) )  
City of Oakland. ) )  
\_\_\_\_\_ )

O P I N I O N

As part of a project to develop the Jack London Square area, the Port of Oakland in the City of Oakland (City) requests authority to construct a pedestrian bridge over the tracks of Southern Pacific Transportation Company's (SPT) main line in Oakland, Alameda County. The structure is to be located mid-block between Washington and Clay Streets, and is to span both the tracks and Embarcadero West, a public street in which the tracks are located.

The crossing will provide safe access between a proposed multi-story office building and a proposed multi-story parking structure. Appendix A is a sketch of the proposed crossing location.

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 November 6, 1986 a Notice of Determination was filed with the County Clerk which found that "The project will have a significant effect on the environment."

Major impacts of the project include generation of increased traffic and need for parking, increased demand for services, and temporary construction noise. Mitigation measures include street channelization, traffic signal installation, construction of parking facilities, and use of muffled construction equipment.

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

The application complies with Rule 38 of the Commission's Rules of Practice and Procedure pertaining to construction of a public highway across a railroad.

The site of the proposed project has been inspected by the Commission staff. Field conditions substantially agree with details shown on the plans and described in the application. The staff examined the need for and safety of the proposed new rail crossing, and recommends issuance of an ex parte order authorizing the proposed pedestrian bridge as requested.

Notice of the application was published in the Commission's Daily Calendar on January 7, 1988. 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 a pedestrian bridge at separated grades over the tracks of SPT's main line in Oakland, Alameda County.
2. The proposed bridge is an essential element of the project to develop Jack London Square.
3. Public convenience, necessity, and safety require construction of the proposed pedestrian bridge.

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. Construction of the project will have a 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 a pedestrian bridge at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) main line in Oakland, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing D-6.55-AD.

2. Clearances shall conform to General Order (GO) 26-D.

3. 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.

4. 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.

5. 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.

6. The application is granted as set forth above.

This order is effective 30 days from today.

Dated     AUG 24 1988    , at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
C. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

*Walter Williams*  
Walter Williams, Executive Director

**THE NEXT 1**  
**DOCUMENTS ARE**  
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