

S/RE/

Decision 90 03 053 MAR 28 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Livermore for the)
construction of a proposed grade)
crossing of Fuller Road at the)
Union Pacific Railroad's spur)
line, proposed crossing 4-49.3-C)
in the County of Alameda.)

Application 89-06-056
(Filed June 26, 1989)

O P I N I O N

As part of a project to develop a 20 acre parcel of land for industrial use, the City of Livermore (City) requests authority to construct Fuller Road at grade across Union Pacific Railroad Company's (UP) tracks in Livermore, Alameda County.

The tracks are spur tracks created by consolidation of the UP and Southern Pacific Transportation Company's (SPT) main lines through the Livermore Valley. They are now operated and maintained by UP, although the nearby grade crossing of the same spur at Vasco Road is still identified by a SPT crossing number.

The proposed development is located east of central Livermore and south of Interstate Route 580. It is to be comprised of nine industrial parcels, with Fuller Road providing the only access. The major impact of the project will be increased vehicular traffic on nearby arterial streets, which is to be mitigated by widening First Street and signaling its intersection with Las Positas Road.

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 July 25, 1988, a Notice of Determination was filed

with the Alameda County Clerk which found that "The project will have 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 application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is included as Appendix A.

The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed rail crossing, and recommends issuance of an ex parte order authorizing the proposed crossing subject to installation of automatic gate-type signals as protection. Due to the low levels of rail and highway traffic anticipated at this location after completion of the project, a grade separation is not practical.

Notice of the application was published in the Commission's Daily Calendar on July 3, 1989. 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 Fuller Road at grade across UP's tracks in Livermore, Alameda County.
2. The proposed crossing is required to provide public access to the development.
3. Public convenience and necessity require construction of the Fuller Road 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. Pending installation of the automatic protection, 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. 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 a significant impact on the environment; however, mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

9. The public at-grade crossing at Vasco Road presently identified as Crossing D-50.1 should be assigned a correct crossing number.

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 Livermore (City) is authorized to construct Fuller Road at grade across Union Pacific Railroad Company's (UP) tracks in Livermore, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 4-49.3-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. 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 the railroad to trainmen operating over the crossing to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission's Safety Division within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Fuller Road calling the attention of trainmen to the flagging instructions.

7. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

8. 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.

9. Construction plans of the crossing, approved by UP, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety Division prior to commencing construction.

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

11. 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.

12. Crossing D-50.1 at Vasco Road shall henceforth be identified as Crossing 4-50.8-C.

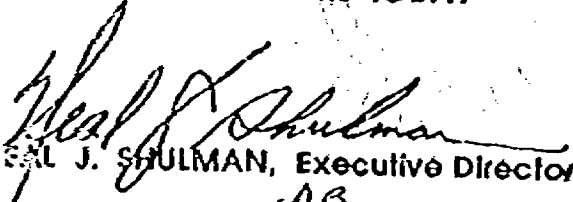
13. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated MAR 28 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHULMAN, Executive Director
AB

A.89-06-056 S/RE

H M O R E

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