

S/RE/

Decision 91 05 055 MAY 22 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, )  
Department of Transportation, for an )  
order authorizing the Department to: )  
Widen an existing grade-separation, to )  
construct a new grade-separation, and to )  
alter an existing grade-crossing, all )  
these over and across spur track(s) at )  
the Southern Pacific Transportation )  
Company in the City of Hayward and )  
Union City, County of Alameda, )  
State of California. )

**ORIGINAL**

Application 90-06-060  
(Filed June 29, 1990)

OPINION

As part of the project to make operational improvements to Interstate Route 880 (I-880) from San Leandro to Union City, the State of California, Department of Transportation (Caltrans), requests authority to widen, and expand by construction of an adjacent structure, the existing Alquire Road Overhead at separated grades over Southern Pacific Transportation Company's (SPT) spur tracks in Hayward and Union City, Alameda County.

The request for authority to alter an existing at-grade crossing across the same SPT spur tracks has been withdrawn, since it was determined that no alterations are necessary as part of this project.

The existing overhead is located on the border of Hayward and Union City, in an industrially developed area. I-880 in this area is to be widened from three lanes in each direction to five lanes in each direction. The proposed adjacent overhead will carry on-ramp traffic from the Whipple Road intersection with Industrial Parkway Southwest to the northbound lanes of I-880.

Caltrans 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 Assessment/Initial Study, Caltrans issued a Negative Declaration and approved the project. On August 30, 1988, a Notice of Determination was filed with the State Office of Planning and Research, 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 Initial Study and Negative Declaration. 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 grade separations, and recommends issuance of an ex parte order authorizing the widening of the existing overhead, and construction of the new adjacent overhead.

#### Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 6, 1990. No protests have been received. A public hearing is not necessary.
2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to widen the existing overhead, known as the Alquire Road Overhead, carrying I-880 over SPT's tracks in Hayward and Union City, Alameda County.
3. Caltrans also requests authority to construct a separate overhead to carry an on-ramp to the northbound lanes of I-880 over the same SPT tracks, to be constructed adjacent to the existing Alquire Road Overhead.

4. The crossings are essential elements of I-880 operational improvements.

5. Public convenience, necessity, and safety require widening of the existing Alquire Road Overhead and construction of the adjacent on-ramp overhead.

6. Caltrans 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 Initial Study and Negative Declaration.

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 State of California, Department of Transportation (Caltrans), is authorized to widen the existing Interstate Route 880 (I-880) overhead over Southern Pacific Transportation Company's (SPT) spur tracks in Hayward and Union City, Alameda County, known as Alquire Road Overhead, at the location and substantially as shown by the plans attached to the application, to continue to be identified as Crossing L-26.2-AC.

2. Caltrans is also authorized to construct an I-880 on-ramp overhead over the same SPT tracks in Hayward and Union City, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing L-26.3-AC.

3. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 20'6" 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's Safety Division forbidding employees to ride on tops of cars beneath the structure.

4. Caltrans shall notify the Commission's Safety Division and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. 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.

6. 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 crossings approved by SPT, shall be filed with the Commission's Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

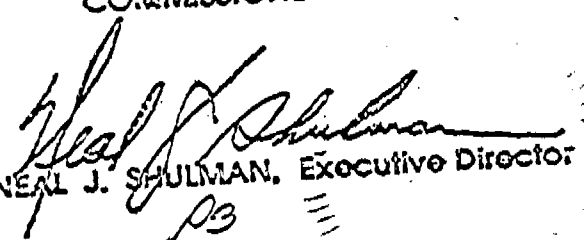
8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.  
This order becomes effective 30 days from today.  
Dated MAY 22 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

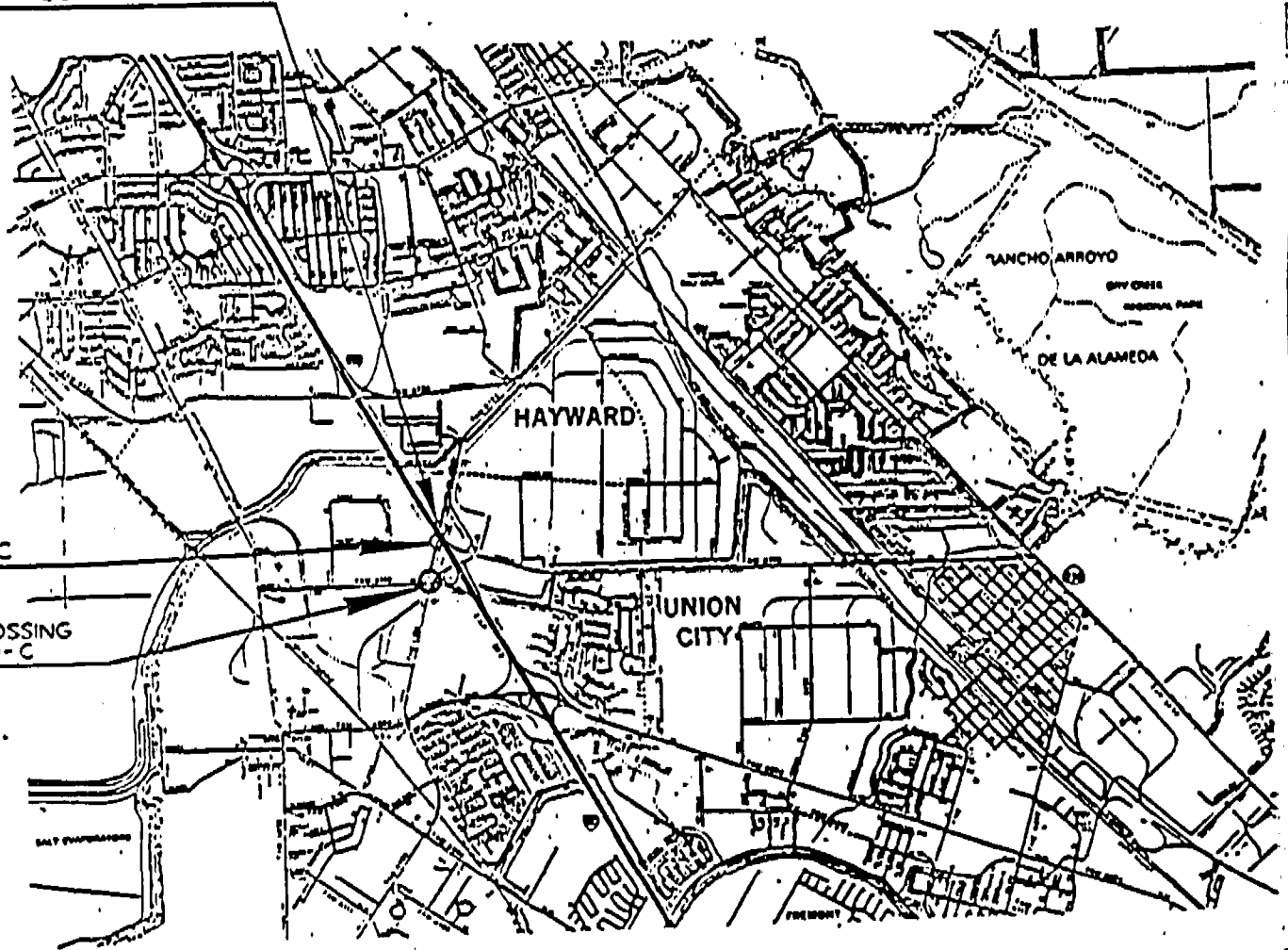
I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
NEAL J. SHULMAN, Executive Director

ALQUIRE RD. ON-RAMP O.H.  
ESTIMATED RR MILE POST 26.3

ALQUIRE RD. O.H.  
EXISTING PUC NO. L-26.2-AC

WHIPPLE RD. GRADE-CROSSING  
EXISTING PUC NO. L-26.0-C



VICINITY MAP

APPENDIX A

A. 90-06-060 S/R/E