

S/RE/

AUG 17 1992

Decision 92 08 039 AUG 11 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Alameda to establish a public roadway across the right-of-way of the Alameda Belt Line Railroad at the northern extension of Sherman Street.

ORIGINAL

Application 91-09-003 (Filed September 4, 1991)

O P I N I O N

The City of Alameda requests authority to improve and make public an existing at-grade crossing of the extension of Sherman Street across Alameda Belt Line Railroad Company's (ABL) tracks in Alameda, Alameda County.

The crossing is located between the Marina Village development and an older residential portion of Alameda. The extension of Sherman Street gives access to the eastern end of Marina Village, connecting it with the central and eastern portions of Alameda island. The crossing has been in use for many years by means of a private access easement, but its use jumped dramatically upon completion of the Marina Village development. The crossing improvements will significantly enhance the safety of this important access route.

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 Initial Study, City issued a Negative Declaration and approved the project. On December 24, 1991, a Notice of Determination was filed with the Alameda County Clerk 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 crossing area is included as Appendix A.

ABL filed a protest to Application 91-09-003 on October 2, 1991 alleging that plans submitted with the application did not fully address the railroad's concerns. ABL withdrew its protest by filing dated February 3, 1992.

The Commission's Safety Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends issuance of an ex parte order authorizing the crossing as requested.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on September 9, 1991. A protest filed by ABL on October 2, 1991, was withdrawn on February 3, 1992.

2. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to establish Sherman Street across ABL's tracks in Alameda, Alameda County.

3. The crossing is an essential element of the Sherman Street extension, and is required to provide eastern public access to the Marina Village development.

4. Public convenience and necessity require establishment of the Sherman Street crossing.

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

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 Initial Study and Negative Declaration.

8. The project will have no significant impact on the environment.

Conclusions of Law

1. There are no unresolved protests, and a public hearing is not necessary.

2. 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 Alameda (City) is authorized to establish a public roadway across Alameda Belt Line Railroad's (ABL) tracks in Alameda, Alameda County, at the location and substantially as shown by the plans attached to the application, identified as Crossing 10-1.88.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order (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. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

6. 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.

7. Construction plans of the crossing, approved by ABL, 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.

8. 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.

9. 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.

10. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated AUG 11 1992, at San Francisco, California.

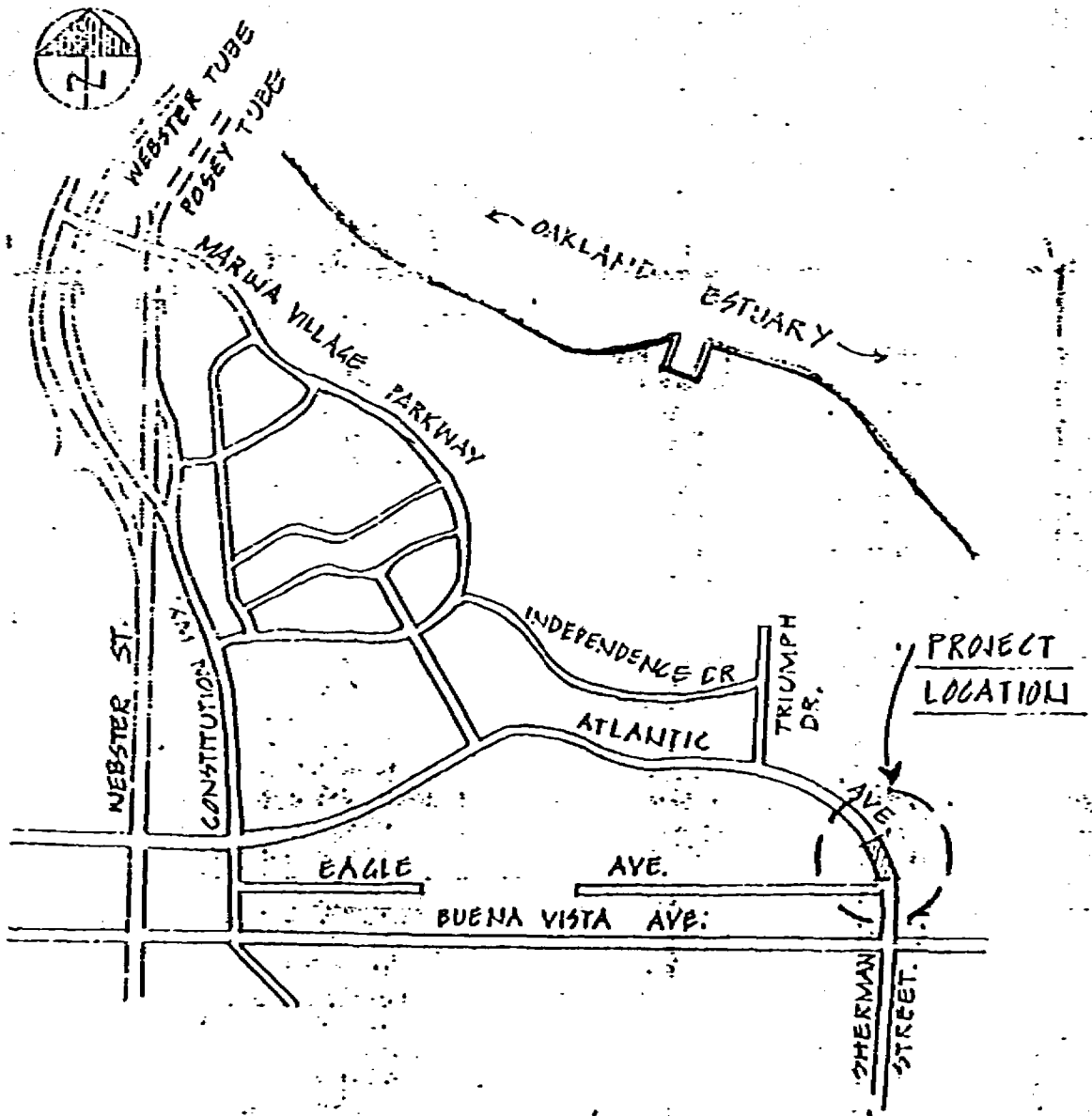
DANIEL Wm. FESSLER
President
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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

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

- 4 -


NEAL J. SHULMAN, Executive Director
NS



LOCATION MAP

1/1/81