

T/AA/SR/WPSC

ORIGINAL

Decision 83 07 037 JUL 20 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of CITY OF OAKLAND, a municipal)
 corporation, to rechannelize the)
 intersection of Alameda Avenue/)
 High Street/Oakport Street/Nimitz)
 Freeway off-ramp which has main)
 lines of the Southern Pacific)
 Transportation Company within the)
 right-of-way and to construct a)
 new street between High Street)
 and Alameda Avenue across the)
 right-of-way of the Southern)
 Pacific Transportation Company)
 which has main lines and spur)
 tracks.)

Application 60902
 (Filed September 16, 1981;
 amended May 20, 1983)

O P I N I O N

The City of Oakland (City) requests authority to construct a public street between High Street and Alameda Avenue at grade across Southern Pacific Transportation Company's (SPT) tracks in Oakland, Alameda County.

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 August 10, 1982, a Notice of Determination was filed with the Alameda County Clerk which found that "The project in its approved form 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 site of the proposed project has been inspected by the Commission staff.

The project will provide a new connection between High Street and Alameda Avenue and is located approximately 500 feet west of the five-way intersection involving an off-ramp from the State Route 17 freeway, Alameda Avenue, and High Street. The new street will be approximately 400 feet long and will relieve congestion and improve safety at the five-way intersection by diverting some of the traffic to the new street.

City states that it wishes to advertise the project for construction on August 1, 1983. It is, therefore, requested that the usual 30-day waiting period on an order be waived. We will make our order effective immediately.

Notice of the application and amendment were published in the Commission's Daily Calendar on September 22, 1981, and May 24, 1983. 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 a public street between High Street and Alameda Avenue at grade across SPT's tracks in Oakland, Alameda County.

2. The proposed crossing is required to provide improved traffic circulation and greater safety for motorists.

3. Public convenience, necessity, and safety require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers and three Standard No. 8 automatic flashing-light signals (General Order 75-C).

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

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

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

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. This order should be effective today as City wishes to advertise the project on August 1, 1983.

O R D E R

IT IS ORDERED that:

1. The City of Oakland (City) is authorized to construct a public street between High Street and Alameda Avenue at grade across Southern Pacific Transportation Company's (SPT) tracks in Oakland, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing D-10.57-C.
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. 8-A automatic flashing-light signals with cantilevers and three Standard No. 8 automatic flashing light 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 SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. 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.

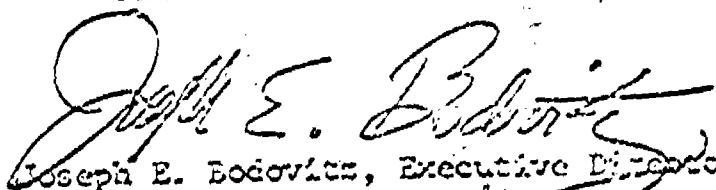
9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety require.

This order is effective today.

Dated JUL 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREN
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director