

ORIGINAL

Decision 83 11 039 NOV 2 - 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
SOUTHERN PACIFIC TRANSPORTATION)
COMPANY for an order authorizing the)
construction at grade of an)
industrial drill track in, upon and)
across 105th Avenue and Hortense)
Street, in the City of Oakland,)
County of Alameda, State of)
California.)

Application 83-10-04
(Filed October 3, 1983)

O P I N I O N

As part of the project to realign its Stonehurst Branch Line, Southern Pacific Transportation Company (SPT) requests authority to construct an industrial drill track at grade across Hortense Street and a portion of 105th Avenue in Oakland, Alameda County.

The Stonehurst Branch Line has been out of service for several months because of the removal of a faulty track crossing of Union Pacific Railroad Company's (UP) main line at the intersection of San Leandro Street and 105th Avenue. The proposed realignment will restore rail service to Crescent Western Warehouse Company.

The proposed industrial drill track will spring from the Melrose Drill Track which is jointly operated by UP and SPT and connect to the existing easterly portion of the Stonehurst Branch Line. Completion of the project will permit the removal of four existing at-grade crossings.

Hortense Street is a dedicated city street which serves as a back entrance to Stonehurst School. It is, in effect, an alley used primarily by students on foot and an occasional maintenance vehicle. Since a crossing width of twelve feet will be adequate for Hortense Street, an exemption from General Order 72-B to permit a crossing width of less than 24 feet will be granted.

The City of Oakland (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 October 7, 1983, 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.

Crescent Western Warehouse Company, the company to be served, has advised that it requires rail service in the immediate future. It is, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

Notice of the application was published in the Commission's Daily Calendar on October 5, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct an industrial drill track at grade across Hortense Street and a portion of 105th Avenue in Oakland, Alameda County.

2. The proposed industrial drill track crossings of Hortense Street and 105th Avenue are required to provide rail service to Crescent Western Warehouse Company's facilities.

3. Public convenience and necessity require construction of the proposed industrial drill track crossings.

4. Public safety requires that protection be two Standard No. 8 automatic flashing-light signals at the Hortense Street Crossing and one Standard No. 8-A automatic flashing-light signal with cantilever (General Order 75-C) at the 105th Avenue crossing.

5. Pending installation of the automatic signals, the requirements of public safety at the crossings may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of each crossing.

6. The requirements of public convenience, necessity, and safety permit the alley crossing of Hortense Street to be constructed to a width of twelve feet.

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

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

9. 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. An exemption from General Order 72-B should be granted to permit construction of a twelve-foot minimum width crossing at Hortense Street.

3. The usual 30-day effective date on an order should be waived as Crescent Western Warehouse Company requires rail service in the immediate future.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial drill track at grade across Hortense Street and a portion of 105th Avenue in Oakland, Alameda County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings DH-13.82-D and DH-13.84-C respectively.

2. Construction of the crossings shall be equal or superior to Standard No. 1 of General Order 72-B.

3. SPT is granted an exemption from General Order 72-B to permit the Hortense Street crossing, Crossing DH-13.82-D, to be constructed as a 12-foot wide alley crossing.

4. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

5. Protection shall be two Standard No. 8 automatic flashing-light signals at the Hortense Street crossing and one Standard No. 8-A automatic flashing-light signal with cantilever (General Order 75-C) at the 105th Avenue crossing, to be installed under a California Department of Transportation service contract.

6. For a period not to exceed one year from the date of this order, protection at each crossing may be two Standard No. 1-R crossing signs (General Order 75-C). No on-rail vehicle shall operate over the crossings unless it is first brought to a stop and traffic on each 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 each crossing.

7. Written instructions shall be issued by SPT to trainmen, operating over the crossings, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossings. Suitable signs shall be installed on both sides of Hortense Street and on the north side of 105th Avenue, calling the attention of trainmen to the flagging instructions.

8. Construction expense of the crossings shall be borne in accordance with an agreement which has been entered into between the parties. A copy of the agreement shall be filed with the Commission prior to commencing construction.

9. Maintenance of the crossings shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

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

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.

This order is effective today.

Dated NOV 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

Commissioner Donald Viel, being necessarily absent, did not participate.