

ORIGINAL

Decision No. 87040

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Oakland, a municipal corporation, to demolish and remove the existing grade separation of the tracks of the Southern Pacific Transportation Company and Western Pacific Railroad Company and Adeline Street; construct a new grade separation at the location, and do other related work as required; temporarily impair the horizontal and vertical clearances at that location; if necessary, alter the existing grade crossing at Adeline Street and the above-described tracks (P.U.C. Nos. 4-6.16-C, D-5.9, and 4-5.8); and construct a temporary grade crossing for a vehicular detour road over tracks of the Western Pacific Railroad Company easterly of the overpass, and adjacent to Middle Harbor Road.

Application No. 56934
(Filed December 13, 1976)

O P I N I O N

The City of Oakland requests authority to reconstruct the existing grade separation structure, known as the Adeline Street Overhead, over the tracks of the Southern Pacific Transportation Company and of The Western Pacific Railroad Company; construct a temporary detour crossing at grade across The Western Pacific Railroad Company's tracks; and alter, widen and improve Middle Harbor Road across the Southern Pacific Transportation Company's interchange track as shown on the map attached to the application, in the City of Oakland, Alameda County.

The priority list of grade separation projects for the fiscal year 1976-77, as set forth in Decision No. 85991, dated June 22, 1976, shows this project as Priority No. 16.

It is anticipated that this project will be funded by and through the Economic Development Administration which will alleviate any financial participation in the project by either railroad. However, because of this funding, applicant must commence

construction prior to March 23, 1977. Applicant has, therefore, requested that the usual twenty-day waiting period be waived.

The City of Oakland is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. On November 12, 1976 applicant filed a Notice of Exemption with the Alameda County Clerk which stated that this project is categorically exempt from the requirements of CEQA pursuant to Title 14 (Natural Resources), Division 6, Sections 15101 and 15102 of the California Administrative Code.^{1/}

Notice of the application was published in the Commission's Daily Calendar on December 14, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration the Commission finds:

1. Applicant should be authorized to reconstruct the existing "Adeline Street Overhead" over the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company; construct a temporary detour crossing at grade across the tracks of The Western Pacific Railroad Company, be identified as Crossing No. 4-5.45-C; and alter, widen and improve the Middle Harbor Road at-grade crossing of the Southern Pacific Transportation Company's interchange track, to be identified as Crossing No. D-6.3-C, all in the City of Oakland, Alameda County, at the locations and substantially as shown on the plan attached to the application. The replacement overhead structure should continue to be identified as Crossings Nos. 4-6.16-AC (WPRR) and D-5.9-A (SPT Co.)

^{1/} Title 14, Division 6, Section 15101 of the California Administrative Code provides for the categorical exemption of Class 1 activities (Existing Facilities). Section 15102 provides for the categorical exemption of Class 2 activities (Replacement or Reconstruction).

2. Within two years from the date hereof, the City should close to the public The Western Pacific-Southern Pacific interchange track crossing (identified as 4-5.70-C) at the easterly terminus of Middle Harbor Road.

3. The City should endeavor to acquire property to provide access from the westerly direction to the business property at the southerly terminus of Adeline Street, thereby enabling closure of four at-grade crossings (Crossings Nos. 4-4.16-C, D-5.9, 4-5.75-C and 4-5.8). The City of Oakland should be required to report to the Commission the status and progress of acquiring the necessary property for access two years from the date hereof. Further, closure of the four at-grade crossings within five years from the date of this Order should be strongly pursued by the City.

4. Protection at the temporary detour at-grade crossing (No. 4-5.45-C) should be two Standard No. 8 flashing light signals (General Order No. 75-C).

5. Clearances should be in accordance with General Order 26-D, except that during the period of reconstruction a clearance of not less than 21' 0" above top of rail should be authorized and both the Southern Pacific Transportation Company and The Western Pacific Railroad Company, should be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroads and filed with the Commission forbidding employees to ride on tops of cars while operating beneath the structure.

6. Applicant should notify the Commission and the railroads (SPT Co. and WPRR), at least 15, but not more than 30 days, in advance of the date when the temporary impaired clearance will be created.

7. Walkways adjacent to any temporary or reconstructed trackage should comply with General Order No. 118. Walkway areas adjacent to the railroad tracks in service should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

8. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement(s), together with a complete set of plans of the project, approved by the Southern Pacific Transportation Company and The Western Pacific Railroad Company, should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

9. Upon completion of the reconstruction of the "Adeline Street Overhead" and its opening to vehicular traffic, the temporary detour at-grade crossing should be physically closed and the automatic protection removed.

10. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

11. Applicant anticipates that this project will be funded by and through the Economic Development Administration which requires that construction commence by March 23, 1977; therefore, the usual 20-day waiting period should be waived.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

1. The City of Oakland is authorized to reconstruct the "Adeline Street Overhead" over the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company; construct a temporary detour crossing at grade across the tracks of The Western Pacific Railroad Company; and alter, widen and improve the Middle Harbor Road at-grade crossing of the Southern Pacific Transportation Company's interchange track, all in the City of Oakland, Alameda County, as set forth in the findings of this Decision.

2. Within thirty days after completion, pursuant to this Order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st
day of MARCH, 1977.

Robert Buterick
President
William Lyons Jr
James L. Sturgeon
Alton
Richard W. Cavalieri
Commissioners