

Decision No. 87096

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Hayward to construct a bicycle path crossing the Southern Pacific Transportation Company Railroad at grade and under the Western Pacific Railroad Company structure across Industrial Parkway	}	}	}	Application No. 55828 (Filed July 17, 1975) (Amended December 28, 1976)
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O P I N I O N

As part of the project to construct the "Industrial Park Bike Path" from Dixon Street to Ruus Road, the City of Hayward requests authority to construct a bicycle and pedestrian crossing at grade across the tracks of the Southern Pacific Transportation Company and at separated grades under the tracks of The Western Pacific Railroad Company in the City of Hayward, Alameda County. The proposed bike path will be constructed along the existing Alameda County Flood Control levee adjacent to Industrial Parkway.

The City of Hayward is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the City of Hayward approved the project to construct the "Industrial Park Bike Path" from Dixon Street to Ruus Road and on December 2, 1976 filed a Notice of Determination with the Alameda County Clerk which found that "The project will not have a significant effect on the environment".

Notices of the application and amendment were published in the Commission's Daily Calendar on July 25, 1975 and December 29, 1976, respectively. 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 construct a bicycle and pedestrian crossing at grade across the tracks of the Southern Pacific Transportation Company, to be identified as Crossing D-23.85-D, and at separated grades under the tracks of The Western

Pacific Railroad Company's existing grade separation structure, to be identified as Crossing 4-23.9-BD, in the City of Hayward, Alameda County, at the location and substantially as shown by plans attached to the application.

2. Construction of the crossing at grade of the Southern Pacific Transportation Company's tracks should be equal or superior to Standard No. 1 of General Order 72-B.

3. Clearances should be in accordance with General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the Southern Pacific Transportation Company crossing should be two Standard No. 10 signals (General Order 75-C).

5. A chain link fence and barricades, as shown on Exhibit "A" attached to the application, should also be installed at the Southern Pacific Transportation Company crossing to prevent unauthorized access to the track area by motor vehicles.

6. Construction expense of the Southern Pacific Transportation Company crossing and installation cost of the automatic protection should be borne by the applicant.

7. Maintenance of the Southern Pacific Transportation Company crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by applicant.

8. Construction and maintenance costs of the crossing at separated grades under the tracks of The Western Pacific Railroad Company should be borne in accordance with an agreement to be entered into between the parties relative thereto.

9. Construction plans of the crossings approved by the Southern Pacific Transportation Company and The Western Pacific Railroad Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

10. The City of Hayward is the lead agency for the project to construct the "Industrial Park Bike Path" from Dixon Street to Ruus Road pursuant to the California Environmental Quality Act of 1970, as amended, and on November 2, 1976 approved its Negative Declaration which has been filed with the Commission." The Commission has

considered the Negative Declaration and Notice of Determination in rendering its decision on this project, and finds that:

- (a) The environmental impact of the proposed action is insignificant.
- (b) The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

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

IT IS ORDERED that:

1. The City of Hayward is authorized to construct a bicycle and pedestrian crossing at grade across the tracks of the Southern Pacific Transportation Company and at separated grades under the tracks of The Western Pacific Railroad Company along the Alameda County Flood Control levee adjacent to Industrial Parkway in the City of Hayward, 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 two 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.

A. 55828 DDM

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of MARCH, 1977.

*Robert B. Baird*

President

*William J. ...*

*Vernon L. ...*

*Richard D. ...*

Commissioners