

ORIGINAL

Decision No. 88175 NOV 29 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of the City of Fremont, Alameda )  
County, California, for a Rail- )  
road Grade Crossing over the )  
Southern Pacific Company's rail- )  
road and The Western Pacific )  
Railroad Company's railroad in )  
the City of Fremont, Irvington )  
District. )

Application No. 56666  
(Filed August 2, 1976)

Theodore R. Bresler, Attorney at Law, for City  
of Fremont, applicant.  
Harold S. Lentz, Attorney at Law, for Southern  
Pacific Transportation Company; and Eugene  
J. Toler, Attorney at Law, for The Western  
Pacific Railroad Company; protestants.  
Robert W. Stich, for the Commission staff.

O P I N I O N

This is an application by the city of Fremont (Fremont) to construct an at-grade crossing of Blacow Road (Blacow) over the tracks of the Southern Pacific Transportation Company (SP) and The Western Pacific Railroad Company (WP). Fremont is a fast-growing city located at the southeast corner of San Francisco Bay and in 1974 had a population of 115,000. The proposed crossing is located in the Irvington district of Fremont, one of the oldest developed sections of the city comprising about one-third of the city population.

Hearings before Administrative Law Judge Albert C. Porter were held in Fremont on March 15 and 16, and May 24, 25, and 26, 1977. The matter was submitted on concurrent briefs filed by the parties on July 9, 1977.

### The Proposed Crossing

Appendix A is a map of the area surrounding the proposed crossing. The tracks of the SP and WP bisect the Irvington district of Fremont running generally in a north/south direction and forming somewhat of a barrier to east-west movement. The nearest crossing to the north of the proposed crossing is at Washington Boulevard (Washington), 0.6 of a mile away; and the nearest to the south is Prune Avenue, 1.3 miles away. Blacow is a major Fremont thoroughfare west of the SF/WP tracks but stops a block short of the tracks at Roberts Avenue. The proposed crossing would connect Blacow with Osgood Road on the east side of the tracks thereby providing additional east-west movement for vehicles and pedestrians. The crossing would be two lanes, one in each direction, and traffic would be protected during train movements by a standard installation of flashing lights and gates. The estimated vehicle traffic that would use the crossing is 4,500 per day; almost all of this would come from traffic using the Washington crossing which presently serves about 24,700 vehicles per day. SP and WP each have a single main line track at the location, and these are about 56 feet apart. Train traffic averages 18 trains per day for SP and 5 for WP with timetable speeds up to 40 mph. There is a difference in elevation of the 2 tracks, WP's being about 1.75 feet higher than SP's. This would require some vertical realignment of the tracks to provide a smooth crossing. As shown on Appendix A to the south in the vicinity of Prune Avenue, Fremont is proposing 2 grade separated crossings to replace the at-grade crossings at Prune Avenue and Warm Springs Boulevard. This is known as the Durham/Grimmer project and comprises an overpass at Durham Road and an underpass at Grimmer Boulevard. The project is before the Commission at the present time in Application No. 56969. The project is No. 7 on the Commission's 1977-78 annual priority list of grade separation projects in the

State<sup>1/</sup> and has a good chance of being funded this fiscal year. If not, it is almost certain to be funded during 1978-79.

Fremont's Presentation

Fremont sponsored two witnesses and 31 exhibits in support of its request, a real estate broker who has lived in the Irvington district since 1955 and been in business there since 1958 and Fremont's Public Works Director. The broker testified that there have been increasing delays over the years at the Washington crossing due to the increase of vehicle traffic in the general area; in the extreme, one can be tied up for a period of ten minutes getting through the crossing; the backup of cars at the crossing causes delays in movement of vehicles across and on adjacent streets and poses an accident potential for left-turning vehicles in the vicinity of Osgood and Driscoll Roads; a crossing at Blacow would alleviate the traffic problems on Washington and make the general area more amenable to shoppers by moving much of the through traffic off Washington on to Blacow; he represented the approximately 120 members of the Irvington Business Men's and Women's Association who are practically unanimous in their support of the proposed crossing; and that he had gathered over 500 signatures on a petition to the city council urging construction of the crossing. However, he conceded that the association had considered no alternatives to the Blacow crossing such as the effect the Durham/Grimmer separation project would have on the Washington corridor.

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<sup>1/</sup> Official notice is taken of Decision No. 87496 in Case No. 10214 dated June 21, 1977.

The Public Works Director with the support of 30 exhibits testified as follows: the Fremont general plan has shown an extension of Blacow over the SP/WP tracks to Osgood Road since at least 1958; three additional crossings in Fremont are planned where crossings do not now exist, Rancho Arroyo Parkway, Durham, and Grimmer; all four would eventually be grade separated; in the last 20 years Fremont has had a dramatic growth, moving from orchards and isolated rural-oriented developments to a full-scale city of subdivisions, industry, and supportive public facilities such as a new civic center, freeways, and campuses for all levels of schools; the area just east of Washington and Blacow is rapidly developing with 1,114 dwelling units under construction or planned; there are many new businesses in the Irvington district, and the city is planning a general redevelopment of the Irvington business district; taken together, the planned residential and commercial development will generate thousands of new east-west trips across the SP/WP tracks; at the appropriate time when the demands require it, both the Washington and Blacow crossings would be grade separated; traffic flow at the crossings on Washington has increased from 18,700 in 1966 to 22,700 in 1976 with a decrease in 1975 but then continued growth; a crossing at Blacow would enhance the mobility of fire and police vehicles; there is severe traffic congestion on Washington in the vicinity of the SP/WP crossing which would be alleviated by a Blacow crossing; a Blacow crossing would reduce the traffic on Washington by 4,000 to 5,000 vehicles per day; the Washington crossings are within the hazard zones of the Hayward seismic fault whereas the Blacow crossing would not be, thereby providing an alternate route in case of a severe earthquake; this is particularly significant since SP operates an underground 10-inch fuel line relatively parallel to its

tracks through the Irvington district; a grade separation at Washington would be prohibitively expensive for the city at this time as would one at Blacow since neither would have enough points to qualify for a high position on the Commission's annual priority list thereby requiring Fremont to provide almost the entire cost; if and when a separation is built at Washington, the crossing at Blacow would be very valuable as a bypass route during construction; the environmental impact report (EIR) prepared by a consulting firm for the city was adopted after hearing on June 8, 1976 by the city council which concluded that the project would have a significant effect on the environment; and the cost of the project would be \$320,000 and would be borne entirely by Fremont.

Through cross-examination by the parties, the following additional points or contrapoints were elicited from the director; traffic using the Blacow and Washington crossings would decrease with the opening of the Durham/Grimmer project; 17,900 vehicles per day would use the Durham/Grimmer project when opened; about 1,000 of those would come from Washington and a small amount from a Blacow crossing; the Blacow crossing, if constructed at the end of 1977, would cost \$330,700 with possible adjustments for the work to be done by the railroad for warning devices and vertical realignment of the track; the Durham/Grimmer project would cost \$4,690,000; the EIR for Blacow seemed to indicate that the Durham overcrossing was an alternative to the Blacow grade crossing;<sup>2/</sup> however, it is Fremont's position that Durham

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<sup>2/</sup> Since this statement in the EIR became an important and contested issue in this case, it is reproduced in Appendix B. The railroads and the staff maintain that Paragraph B clearly states that Durham is an alternative and a superior one to Blacow. For the purpose of clarifying the dispute, the A.J. assigned to this case reviewed Fremont's nomination form for the Durham/Grimmer project filed in Case No. 10214, a case for the purpose of establishing the 1977-78 priority list of

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and Blacow are separate projects with separate purposes and are not alternatives to each other; some of the new east-west trips that will be generated by residential and commercial development in the Irvington district will be handled by the Durham/Grimmer project if and when it is completed; if all goes well, the Durham/Grimmer project could be completed in three to four years; the Irvington Business Men's and Women's Association supports the project primarily because it will relieve congestion on Washington; the city staff is proposing to the city council that Washington be widened to four lanes in the vicinity of the SP/WP crossings in the near future, but such widening will not result in doubling capacity because of the elimination of a left-turn lane; and, assuming both the Blacow and Durham/Grimmer projects received approvals and were ready to go ahead during the 1977-78 fiscal year, the Blacow project would open no later than July 1979 and the Durham/Grimmer project not earlier than July 1980; however, the best estimate of the director is that Blacow would be completed at least two years ahead of Durham/Grimmer if Blacow is authorized in 1977.

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2/ (Continued)

grade separations in California, and the EIR for that project filed in Application No. 56969, a proceeding brought to obtain a Commission order authorizing construction of Durham/Grimmer. We hereby take official notice of such documents. In making our finding on this point, we recognize the following:

1. Paragraph B of Appendix B is the only place in the record alluding to Durham as an alternative to Blacow.
2. Paragraph B refers only to Durham whereas the project now has been expanded to include Grimmer, and the cost has escalated from \$2,650,000 to \$4,690,000.
3. Nowhere in the records of Application No. 56969 or Case No. 10214 is Blacow mentioned as an alternative to Durham/Grimmer.

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Southern Pacific's Presentation

SP presented five witnesses, a consulting civil engineer, a signal engineer, a cost engineer, a terminal superintendent, and a surveyor. Their participation produced the following: based on a preliminary analysis and design, an underpass at the Blacow crossing is feasible and would cost about \$1,300,000; such an underpass would provide for the tracks of SP and WP and a two-lane roadway for auto traffic; Fremont would have to bear the entire cost of the separation since there is little chance for the project to achieve a high enough place on the Commission's priority list to qualify for state funding, and even if it did, the city would have to pay 50 percent of the cost since the separation would not eliminate a grade crossing; the construction of a grade crossing at Blacow would not appreciably affect the cost of a grade separation built there at a later date; SP recommends that for its side of the crossing a Standard No. 9-A (General Order No. 75-C) protection system be installed, the cost of which would be \$45,600 (if curb space on the roadway approaching the crossing is kept clear of parked vehicles for a distance of at least 100 feet, the cantilever signal required by the Standard No. 9-A could be eliminated at a saving of \$2,000); in order for an adequate crossing to be built at Blacow, the elevations of the two tracks there would have to be adjusted by at least one and one-half feet; if such an adjustment were accomplished by raising the SP tracks,

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2/ (Continued)

4. The Irvington Business Men's and Women's Association wants both Blacow and Durham/Grimmer but with Blacow to be completed first.
5. Reference to the traffic to be diverted from Washington to Durham/Grimmer in the records of Application No. 56969 and Case No. 10214 goes to only ten school-bus trips per day; there is no estimate of automobile diversion.

it would cost \$55,600; the work to be done by SP in installing the crossing (surfacing and planking as required) would cost \$15,500; no additional locomotive power would be required of SP if the track elevation were changed;<sup>2/</sup> it would cost more to lower the WP tracks than to raise the SP tracks; if Blacow is built, the distance between it and the Prune Avenue crossing will be about 6,500 feet requiring trains exceeding that length to be cut if they block Prune or Blacow for more than ten minutes; and this will occur mostly during the period from midnight to 4:00 a.m., will raise the noise level in the area, and although it will occur only about two times per week, could increase the cost of SP operations in that area.

Western Pacific's Presentation

An engineer employed by WP testified that: WP is not entirely satisfied with Fremont's preliminary plans for the Blacow crossing; the crossing protection should be Standard No. 9-A and also, for the protection of pedestrians, Standard No. 10 for the sidewalks which would be installed opposite the No. 9-A installations; the engineer agreed with SP witnesses that the cantilever arms required by a No. 9-A installation could be dispensed with if there was no parking within 200 feet of the crossing for a vehicle speed limit of 25 miles per hour or 350 feet for a speed limit of 35 miles per hour; the cost estimates for the WP portion of the installation would be similar to those of SP with the exception of the No. 10 which would cost about \$2,000 additional; it would take WP about a year to obtain the necessary material to construct the crossing and the crossing protection; for a safe and convenient crossing the

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<sup>2/</sup> This testimony is contrary to and supersedes the information in Exhibit 27 (EIR), page 61.



tracks of the two railroads should be at about the same elevation, and it would be cheaper and more feasible to raise the SP tracks than lower the WP tracks; and that whatever protection might be ordered by the Commission, it should be the same on both sides of the crossing.

The Staff's Presentation

An associate transportation engineer testified and presented an exhibit for the Commission staff. The staff opposes construction of the crossing because, in its opinion, the construction of grade separations at Durham and Grimmer is imminent, the crossing would help very little with traffic circulation in the area, and it would present a potential hazard to the traveling public. In support of the staff position, the engineer testified as follows: 2,300 cars per day would find the Blacow crossing route to be shorter than the Washington route; 3,000 cars per day would be diverted from Washington to Durham/Grimmer when they are opened; if Washington were improved to four lanes, it would almost double the capacity of the crossing; the proper time to consider opening Blacow to serve as a bypass during construction of a Washington separation is when that project is at hand; and since Washington and Blacow are so close together, any train interference at Washington would be almost duplicated at Blacow. Under cross-examination, the engineer confirmed that: he had no basis or study for his estimate of the 3,000 cars per day diversion from Washington to Durham/Grimmer; he does not dispute the estimate of Fremont of the potential usage of the Blacow crossing; he made no studies of the routings to be used by traffic generated by new Fremont developments; he made no analysis of the impact of widening Washington and retaining the present left-turn lane characteristics; he made no analysis of the potential advantages of Blacow as an alternate route to Washington in the case of an

emergency; it was his firm belief that if Durham/Grimmer is not funded during 1977-78, it certainly will be in 1978-79; it is his opinion that Durham/Grimmer is an alternative to Blacow and a superior one; the probability of an auto/train accident occurring would be greater with both Blacow and Washington open than otherwise; however, there have been no accidents at Washington Boulevard since the installation of automatic gates in May 1967 for the WP side and October 1967 for the SP side; and the possibility of a grade separation at Washington could be at least 20 years away.

Discussion

We have always been reluctant to approve new crossings at grade. There is no doubt that they introduce hazards to motorists and pedestrians and cause the railroads which they cross additional expense and exposure to lawsuits arising out of crossing accidents. In considering the approval of a grade crossing, we find it appropriate to consider the following:

1. Is there a necessity for the crossing considering, foremost, the public convenience involved?
2. Considering the hazards that will result from the possible vehicle/train conflicts introduced, will the public be afforded reasonable safety commensurate with the value of the crossing to the public?
3. What is the extent of the expense and inconvenience to the railroads?
4. Is the project feasible from the standpoint of funding, construction, and environmental effects?
5. Are there any feasible alternatives that would better serve the purpose for which the crossing is to be constructed?

The reasons for Fremont's request for a crossing at Blacow can be summarized as follows:

1. It will relieve the traffic congestion on Washington, not so much at the crossings there, but also in the general vicinity of the Washington crossings.
2. It will provide an alternate route for emergency vehicles.
3. It would be valuable for use in lieu of Washington in case of a major catastrophe such as an earthquake.
4. It will assist with providing for future traffic growth in the Irvington district.
5. It would be the completion of another link in the long-term traffic circulation plans of Fremont.

There is little question that the traffic congestion at and in the vicinity of Washington has reached serious proportions and requires some action to effect relief. Fremont proposes to accomplish such relief by implementing a long-planned crossing at Blacow. It is expected that Blacow will take much through traffic away from Washington thereby improving traffic circulation in the Irvington district and providing a more convenient and faster route. The Washington problem can be put into perspective by noting that the Durham/Grimmer project, the equivalent of a four-lane separation, is expected to handle less than 18,000 vehicles per day when completed whereas Washington presently handles 24,700; if Blacow is built, it and Washington together would handle 24,800, Washington handling 20,300 with its two lanes.

The crossing will provide an alternate route for emergency vehicles. This would be particularly useful during a major catastrophe such as a rupture of the SP pipeline during an earthquake; but as to its value on a day-to-day basis, we fail to see any more than a minimal effect on the flexibility and response of emergency vehicles.

There is no question that Fremont will continue to grow; a second crossing in the Irvington district will be helpful in alleviating the potential traffic problems stemming from such growth. It will probably be almost three years before Washington is back to today's traffic level if Blacow is built. This should give the city ample time to consider long-term solutions to its traffic problems.

The protection proposed for the crossing is the most effective short of a full separation. The accident record at Washington since the installation of gates has been excellent; the habits built up there by regular users should transfer to the new crossing. The suggestions of WP that pedestrian signals should be installed and cantilevers eliminated if the approach curbs are kept clear for a reasonable distance are good ones, and we will adopt them in our order.

SP raises three main issues in its plea for a denial of the application. It believes the environmental impact considerations have not been met, there will be interference with railroad operations, and there will be an intolerable increase in the noise levels in the vicinity of the crossing especially at night. We will address the environmental matters, including the noise problem, later in this opinion. The potential interference with railroad operations we do not see as a serious problem. If the Durham/Grimmer project proceeds, and SP claims that it is imminent, then upon its opening any blocking problem caused by Blacow will disappear. In any case, the potential train operation interference is minimal, the record indicating that perhaps an average of two trains per week would have to be uncoupled to comply with the crossing blocking rules set out in Commission General Order No. 135. SP argues that the railroads could be entitled to damages for interference with their operations, thereby increasing the cost

of the proposed project. However, in the two cases cited by SP dealing with this subject, (City of Oakland v Schenck (1925) 197 Cal 456, and City of Long Beach v Pacific Elec. Ry. Co. (1955) 44 Cal 2d 599) the court upheld the doctrine that where the opening of a street across a railroad track does not unduly interfere with the railroad's use of the tracks, any compensation to the railroad should be nominal.

The most probable timetable for the Blacow and Durham/Grimmer projects is that Blacow would be opened by the time the Durham/Grimmer project is approved and funded and be open for at least two years before Durham/Grimmer is open. Blacow would afford an early solution to the congestion at Washington. However, Fremont has significantly underestimated the cost of the Blacow project; this underestimate could be as much as \$95,700 and involves the costs of railroad work on the crossing, automatic protection, and raising the SP track. The final cost could be \$426,400 in lieu of \$330,700. In spite of what we will authorize herein, the city may want to give careful consideration to spending that amount when a grade separation could be built for \$1,300,000.

The purpose of the California Environmental Quality Act (CEQA) of 1970, as amended, is to make sure that any project which may affect the environment has been assessed from the standpoint of its effect on the environment and that possible alternatives to the project which may have a lesser negative effect and yet accomplish the same purpose have been properly considered. The following are the impacts of the Blacow project as summarized from the EIR filed in this proceeding.

1. There would be a decrease of vehicle miles traveled and consequently in automobile fuel consumption.
2. Conditions of congestion and delay on Osgood Road at Washington would be alleviated.
3. Left turns from Washington to Osgood Road would increase.
4. Additional congestion on Driscoll Road and Washington may result from additional turning movements on to Osgood Road.
5. Traffic on Roberts Avenue, a residential street, would be reduced by 3,870 vehicles per day.
6. Traffic on Blacow east of Roberts will increase by 4,295 vehicles per day.
7. There would be a four-fold increase in the ambient noise level (to 65-dBA) in the vicinity of the crossing.

In order to conclude that a project will not have a significant effect on the environment, it must be shown that it will not cause a substantial, or potentially substantial, adverse change in the environment, (see Section 21068 of the Public Resources Code) otherwise an environmental impact report is required. A reasonable assessment of the impacts listed above could result in a finding that the project would have no significant effect on the environment. However, we will accept the city's determination and make an appropriate finding relative thereto.

Having accepted the requirement for an EIR, it is necessary to consider alternatives to the proposed project. These are:

1. No project at all.
2. A separation at Blacow.
3. A separation at Washington.
4. Widening and improving Washington in the vicinity of the present crossings.

5. The Durham/Grimmer project.
6. Some combination of separations for Durham, Grimmer, Washington, and Blacow.

No project at all is unacceptable in view of the conditions at and near the Washington crossings. The city cannot construct a separation at either Blacow or Washington at this time because of funding and the necessity for an early solution to the problems at Washington. Widening and improving Washington is something the city is planning for the future, but it would not alleviate the traffic conditions in the vicinity of the crossing which are of concern; it would be an interim solution good for a short time with no longer term relief, and if done properly, would require a time-consuming condemnation of property. Fremont does not consider Durham/Grimmer to be an alternative to Blacow. Taken as a whole, the record cannot support a finding that it is. The best the record can support is that 1,000 cars per day may be diverted from Washington to the Durham/Grimmer separation. The staff tried to support 3,000 but could not. 1,000 cars per day is not nearly as significant as the 4,000 to 5,000 Blacow would draw. A perusal of the EIR for Durham/Grimmer (see Footnote 2) reveals only fleeting reference to traffic diversions from Washington to Durham/Grimmer, specifically, ten daily school bus trips. We cannot find that Durham/Grimmer is a feasible alternative to Blacow even though Durham/Grimmer may be built within a reasonable period of time, taking into account economic, environmental, social, and technological factors; the record is clear that it would not afford anywhere near the traffic relief of Blacow. Finally, in spite of prodding by the presiding officer, none of the parties were willing to suggest some combination of separations for Durham, Grimmer, Washington, and Blacow.

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4/ Sheet 2 of 4 of Fremont's nomination form in Case No. 10214 indicates 3,477 more vehicles would use Durham/Grimmer than now use Prune Avenue and Warm Springs Boulevard. But there is no indication of how much of this increase would be from growth and how much from diversion.

We will authorize construction of the Blacow crossing, but in doing so we recognize that it could be premature and that the problems it is expected to alleviate might be helped by the Durham/Grimmer project to an extent not supported by this record, and that once a crossing is in operation there is always resistance to its closing; however, we urge interested parties to come forward with a removal proposal if it can be shown that the crossing at some time in the future is not needed.

Findings

1. Public convenience and necessity require that the city of Fremont be authorized to construct a crossing at grade of Blacow Road over the tracks of the SP and WP as more particularly described in the application and attached exhibits.

2. The primary purpose of the crossing is to relieve the traffic congestion at and in the general vicinity of the grade crossings of Washington Boulevard with the SP and WP by moving through traffic off Washington Boulevard.

3. The project will have little effect on the response time and flexibility of emergency vehicles.

4. The Washington Boulevard crossings presently serve 24,700 vehicles per day. After the construction of the Blacow crossing, the Washington Boulevard crossings will serve 20,300 vehicles per day and Blacow Road 4,500.

5. The tracks of the SP and WP at the site of the proposed crossing are about 56 feet apart, center line to center line, and have a difference in elevation of 1.75 feet, the WP track being higher than the SP track. In order to provide a smooth and safe crossing, the SP track should be raised at least 1.5 feet.

6. Fremont has sponsored a grade separation project which would be built south of the proposed Blacow crossing at Durham Road and Grimmer Boulevard. The Durham undercrossing would be 1.0 mile south of the Blacow crossing and the Grimmer overcrossing 1.6 miles south.



7. The Durham/Grimmer project would replace grade crossings at Prune Avenue and Warm Springs Boulevard and is not an alternative to the Blacow crossing.

8. Alternatives to the proposed crossing as outlined in this opinion would not provide a more feasible solution to the problems to be alleviated by the proposed crossing.

9. A separation at Blacow is not practical because of Fremont's lack of funds and the time it would take for approval and construction.

10. The city of Fremont is the lead agency for this project pursuant to CEQA and on June 8, 1976 approved its Final EIR which has been filed with the Commission. The Commission has considered applicant's Final EIR and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

11. There will be minimal impact on the operation of the railroads by the opening of the proposed crossing.

12. The advantage of the public convenience and necessity to be served exceeds the disadvantage that will accrue from the public hazard that will be created by opening the proposed crossing.

13. Construction of the crossing should be equal to or superior to Standard No. 1 of General Order No. 72-B.

14. Clearances should conform to General Order No. 26-D. Walkways should conform to General Order No. 118.

15. Protection should be two Standard No. 9-A automatic gate-type signals with cantilevers supplemented with two Standard No. 10 pedestrian signals (General Order No. 75-C). Grades of approach shall not be greater than five percent.

16. The cantilevers should not be required if parking is prohibited on the right-hand side of the road as one approaches the crossing from either direction. This prohibition should be for 100 feet if the speed limit in the vicinity and over the crossing is 25 miles per hour. For any other speed limit, the prohibition

should be for an equivalent distance calculated by relating the square of such speed limit with the 100-foot standard and the square of 25. For example, the distance for 35 miles per hour would be about 200 feet.

17. Construction costs of the crossing and the automatic protection should be borne by the applicant.

18. Maintenance of the crossing should be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection should be borne by applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

19. Construction plans of the crossing approved by the SP and WP, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

On the basis of and subject to 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 Fremont is authorized to construct Blacow Road at grade across the tracks of the Southern Pacific Transportation Company (Crossing No. DA33.4) and The Western Pacific Railroad Company (Crossing No. 4G3.8) in the Irvington district of the city of Fremont in 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.

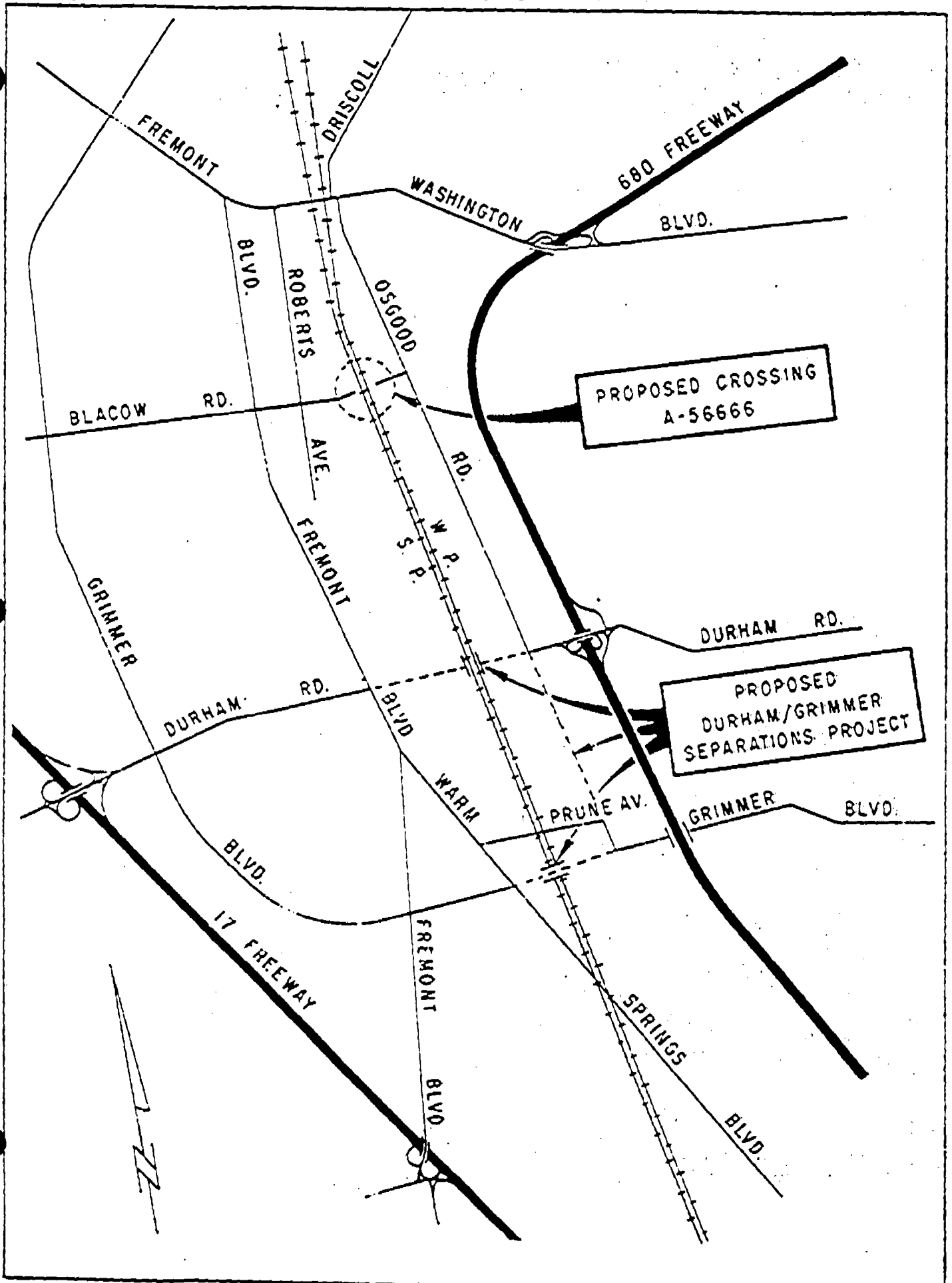
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3. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of NOVEMBER, 1977.

Robert Babinich  
President  
William S. Grouse  
John L. Sturgeon  
Richard W. Howell  
Clare J. Deziel  
Commissioners



APPENDIX B  
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(From Exhibit 27, Application No. 56666)

VI. ALTERNATIVES TO THE PROPOSED PROJECT

A. NO PROJECT

If no project were carried out at the Blacow Road site, the General Plan designation of Blacow Road as a thoroughfare extending from its present terminus to Mission Boulevard would continue as an uncommitted, unimplemented feature of the Plan. Present traffic congestion experienced on Washington Boulevard at Osgood Road and Driscoll Road, and at the railroad crossings where switching delays are sometimes encountered, would continue unabated at least until the Durham Road overcrossing were developed. On the other hand, the quality of Blacow Road between Roberts Avenue and the railroad tracks as a quiet residential cul-de-sac would continue to prevail.

B. DURHAM ROAD OVERCROSSING PRIORITY

If the Durham Road overcrossing project were to receive priority in planning, funding, and development, the problems of congestion on Washington Boulevard and of delays experienced at the on-grade railroad crossings at Washington Boulevard and at Prune Avenue, would be alleviated in a manner superior to the alleviation provided by the Blacow Road crossing. The superiority would result from the elimination of the railroad-vehicle conflict and the direct alignment with a route crossing over the I-680 freeway and connecting it with SR 17, an important industrial freeway. This connection would remove some through-truck traffic from the central Irvington area, thereby relieving local congestion caused by through traffic. The cost of this alternative--\$2,650,000--reflects its long-term, permanent nature compared with the \$320,000 cost of the short-term, ameliorative project proposed for Blacow Road. The Blacow Road cost estimate does not include the cost of a grade separation or of a future extension of Blacow Road eastward from Osgood Road to Pine Street. The Durham Road estimate includes necessary right-of-way and road improvement costs between Fremont Boulevard and Osgood Road.

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C. OTHER

A grade separation on Washington Boulevard and a widening of the thoroughfare to four traffic lanes would eliminate traffic delays caused by train movements and would increase the capacity of the thoroughfare. The grade separation would be more complex, and hence more costly, than at Blacow Road or Durham Road because the Southern Pacific and Western Pacific tracks are 300 feet apart at Washington Boulevard, thus lengthening the structure by that distance. In addition, the intersection of Osgood Road and Driscoll Road, at Washington Boulevard and the grade separation, would require extensive design revision. Design studies and cost estimates of this alternative have not been made.

Improvements to circulation and parking within the Irvington business district, coupled with actions to enhance the attractiveness of the center, would help to offset the attractiveness of the alternate routes that could divert Warm Springs residents to shopping areas more readily accessible from the Nimitz Freeway (SR-17). No plan and program of this nature has been developed, but such a program would be in accord with objectives and principles of the General Plan.

APPENDIX C  
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(From Exhibit 27, Application No. 56666)

IV. IMPACT OVERVIEW

A. BENEFICIAL IMPACTS OF THE PROPOSED PROJECT

The project as proposed would alleviate conditions of congestion and delay experienced at the railroad crossings on Washington Boulevard and the delays experienced at Prune Avenue. It would provide an additional crossing of the railroad barrier, between the two existing crossings, at a point where switching movements would have little or no impact on the crossing. This would benefit emergency vehicles as well as general types of traffic. By shortening travel distances total vehicle miles traveled daily in the Irvington area may be decreased by as much as 2600 miles per day. If this full reduction is attained vehicle miles traveled in the Irvington area would decline by almost six percent. It may reduce average daily traffic by up to 4400 vehicles on Washington Boulevard between Roberts Avenue and Osgood Road, the point of heaviest present traffic congestion. It may reduce traffic flow on Roberts Avenue, a residential street, by up to 3870 vehicles, a reduction which would have a beneficial impact on the residential quality of the street. The project would increase pedestrian and bicycle safety at the Blacow crossing which is now used informally without the safety of warning bells and control gates. The project would also represent a small step toward implementing a circulation feature of the Fremont General Plan. Net decreases in automobile fuel consumption would result from the modified local traffic routes.

B. ADVERSE IMPACTS OF THE PROPOSED PROJECT

The project would increase traffic on Blacow Road east of Roberts Avenue, presently a quiet residential cul-de-sac, by 4395 percent. The  $L_{dn}$  noise level would increase by about 17 dBA to a level of 65 dBA, a four-fold increase in perceived noise. Locomotive horns and crossing bells would contribute to this increase as well as the traffic on the street. The project would create an additional

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grade crossing and potential conflict between railroad traffic and vehicular traffic. The residential quality of Blacow Road east of Roberts Avenue would be diminished although the street is indicated as a thoroughfare in the Fremont General Plan.

Left-turns from Washington Boulevard onto Osgood Road would increase by a daily average of 1570 vehicles, exacerbating the turning problem at this intersection. Traffic on Osgood Road south of Blacow Road would increase by 800 vehicles per day.