

SD

Decision No. 89834 • JAN 4 1979

ORIGINAL

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 spur track in,
upon and across Stearman Avenue in the
City of Hayward, County of Alameda,
State of California.

Application No. 58423
(Filed October 20, 1978)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across Stearman Avenue in the City of Hayward, Alameda County, as part of existing Crossing L-20.15-C.

The proposed spur track will serve Clyde Gruhler and Associates which is in need of immediate track service to its warehouse facilities and, therefore, requests that the normal 30 day waiting period be waived.

The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. Applicant is the proponent for the project and alleges that the project is categorically exempt from the provisions of the California Environmental Quality Act of 1970. The proposed spur track will be part of an existing crossing and, therefore, is exempt from the requirements of CEQA in accordance with Rule 17.1 (m) (1) (A) 6 of this Commission's Rules of Practice and Procedures.

Notice of the application was published in the Commission's Daily Calendar on October 23, 1978. 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 an industrial spur track at grade across Stearman Avenue in the City of Hayward, Alameda County, at the location and substantially as shown by the plan attached to the application, to be identified as part of Crossing L-20.15-C.

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

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 112.

4. Protection at the crossing should be two existing Standard No. 1R Signs, (General Order 75-C) one of which has to be relocated. No on-rail vehicle should operate over the crossing unless it is first brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as a flagman. The flagman should place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

5. Written instructions should be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions should be filed with the Commission within thirty days after installation of the new industrial spur track. Suitable signs should be installed on both sides of Stearman Avenue calling attention of trainmen to the flagging instructions.

6. Should the protection need to be improved in the future, cost of the installation and maintenance should be borne by applicant.

7. Construction of the crossing and installation cost of the crossing signs should be borne by the applicant.

8. Maintenance of the crossing should be in accordance with General Order 72-B.

9. The proposed spur track will be part of an existing crossing and should be exempt from the requirements of CEQA in accordance with Rule 17.1 (m) (1) (A) 6 of this Commission's Rules of Practice and Procedures.

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:

IT IS ORDERED that:

1. The Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across Stearman Avenue in the City of Hayward, Alameda County, as set forth in the findings of this decision.

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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 one year 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 the date hereof:

Dated at San Francisco, California, this 4th day of JANUARY 1979.

Robert S. Lerman
PRESIDENT

Robert A. Lumb

Clair Z. Deitch

COMMISSIONERS