

Decision No. 90065 MAR 13 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY OF HAYWARD to construct public)	
streets across railroad tracks of the)	
Western Pacific Railroad Company at)	Application 58313
Huntwood Avenue and Zephyr Street,)	(Filed August 23, 1978)
Hayward.)	

O P I N I O N

The City of Hayward requests authority to construct a crossing of Huntwood Avenue and two crossings of Zephyr Street at grade across industrial drill tracks of The Western Pacific Railroad Company in the City of Hayward, Alameda County.

The City of Hayward is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study, the City of Hayward issued a Negative Declaration and approved this project. On February 16, 1977, a Notice of Determination was filed with the Alameda County Clerk, which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has also been inspected by the Commission staff.

This project involves the subdivision of industrially zoned land and the installation of necessary public improvements. The project site for the last few years has laid fallow. The surrounding area is presently being developed for industrial use.

Notice of application was published in the Commission's Daily Calendar on August 28, 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 Huntwood Avenue at grade (Crossing 4-26.42-C) and to construct Zephyr Street at grade west of Huntwood Avenue (Crossing 4-26.54-C) and east of Huntwood Avenue (Crossing 4-26.93-C) across drill tracks of The Western Pacific Railroad Company in the City of Hayward, Alameda County, at the locations and substantially as shown by plans attached to the application.
2. Construction of the crossings 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 each Zephyr Street crossing should be two Standard No. 1-R Crossing Signs (General Order 75-C). The signs should be lettered on both sides on reflectorized white background. No on-rail vehicle should operate over the crossings unless it is first brought to a stop and traffic on the highway protected by a member of the train crew, or other competent employee of the railroad, acting as a flagman. The flagman should place a minimum of two fusees 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 crossings, to comply with the flagging instructions. A copy of the instructions should be filed with the Commission within thirty days after installation of the crossings. Suitable signs should be installed on both sides of Zephyr Street, at each crossing, calling the attention of trainmen to the flagging instructions.

6. Protection at the Huntwood Avenue crossing should be two Standard No. 8-A automatic flashing-light type signals with cantilever (General Order 75-C). For a period not to exceed six months from date of this order, protection at this crossing may be two Standard No. 1-R crossing signs (General Order 75-C). On-rail vehicle operation and flagging procedures should be as outlined in Findings 4 and 5 and should remain in full force until the required automatic protection is installed and operative.

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

8. Maintenance of the crossings should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

9. Construction plans of the crossings, approved by 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. Applicant is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended.

11. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

12. This project will have no significant impact on the environment.

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 crossing of Huntwood Avenue and two crossings of Zephyr Street at grade across industrial drill tracks of The Western Pacific Railroad Company 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.

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 thirty days after the date hereof.

Dated at San Francisco, California, this 13th day of MARCH, 1979.

John E. Boyer
President
Henry L. Steggen
Richard W. Gade
Clair J. DeLoach
Samuel W. Jones
Commissioners