

SD

Decision No. 90950 OCT 23 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Union City,  
a municipal corporation of the State  
of California, for permission to  
construct an at grade crossing over  
the Southern Pacific Transportation  
Company's railroad tracks at  
Tidewater Drive, in the County of  
Alameda, State of California

Application No. 58908  
(Filed June 5, 1979)

O P I N I O N

As part of a residential development, the City of Union City requests authority to construct Tidewater Drive at grade across Southern Pacific Transportation Company's industrial drill track in the City of Union City, Alameda County.

The City of Union City 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 Union City issued a Negative Declaration and approved this project. On January 12, 1979, 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.

The project is located in an area that was formerly zoned MI (Intermediate Industrial) containing about 15 acres. The area has been rezoned to RS 6000 (Single-Family Residential). The crossing is part of a City planned extension of Tidewater Drive. When completed, the extension of Tidewater Drive will provide a direct route between Whipple Road and Smith Street.

Notice of the application was published in the Commission's Daily Calendar on June 6, 1979. 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 Tidewater Drive across Southern Pacific Transportation Company's industrial drill track in the City of Union City, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing L-26.57-C.
2. Construction of the crossing should be equal or superior to Standard No. 4-C of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be two Standard No. 9-A automatic gate-type signals with cantilever arms (General Order 75-C).
5. Parking on Tidewater Drive within 25 feet of the crossing should be prohibited.
6. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.
7. Maintenance of the crossing 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.
8. Construction plans of the crossing, approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.
9. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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

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

### C O N C L U S I O N

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 Union City is authorized to construct Tidewater Drive at grade across Southern Pacific Transportation Company's industrial drill track in the City of Union City, 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. 58908 : SD

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

Dated OCT 23 1979, at San Francisco, California.

\_\_\_\_\_  
President

Commissioner JOHN E. BRYSON

Present but not participating.

Commissioner Vernon L. Sturgeon, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners