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Decision No. 91813

MAY 20 1980

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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 drill track in, upon and across Stewart Avenue in the City of Fremont, County of Alameda, State of California.

ORIGINAL

Application No. 59318 (Filed December 5, 1979)

O P I N I O N

As part of the project for development of the Albrae Industrial Park (Local Improvement District No. 24), the Southern Pacific Transportation Company requests authority to construct an industrial drill track at grade across Stewart Avenue in the City of Fremont, Alameda County.

The City of Fremont is the lead agency for the project to develop the Albrae Industrial Park pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000, et seq.

After preparation and review of an Environmental Impact Report, the City of Fremont approved the project. On June 11, 1974, a Notice of Determination was filed with the Alameda County Clerk which found that: "Project will have a significant effect on the environment, but effect can be reduced by mitigating measures."

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

The project is located on the southwest side of Nimitz Freeway and abuts Durham Road and Stewart Avenue. The site contains 219 acres of which about 65 acres are already developed and used for warehousing and light industrial activities. Rail service is presently being provided in the developed section.

Unavoidable adverse impacts of the project include increased vehicular traffic, decreased air quality, increased noise levels and an increased demand on public facilities and services to supply water, electricity, natural gas, sewage treatment, fire protection and police services. It is anticipated that the "phased" buildout rate of the project will serve to mitigate the impacts of the anticipated growth by spreading it out over an extended period of time.

Notice of the application was published in the Commission's Daily Calendar on December 7, 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 an industrial drill track at grade across Stewart Avenue in the City of Fremont, Alameda County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing L-35.0-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 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. 8-A flashing light signals with cantilevers (General Order 75-C).
5. For a period not to exceed one year from date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered both sides on reflectorized white background. No on-rail vehicle should operate over the crossing unless it is first brought to a stop and traffic on the roadway 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 fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. 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 crossing. Suitable signs should be installed on both sides of Stewart Avenue, calling the attention of trainmen to the flagging instructions. The flagging instructions outlined herein should remain in full force until the required automatic protection is installed and operative.

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

8. 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.

9. The City of Fremont 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 Final Environmental Impact Report.

11. This project will have a significant impact on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts.

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 Southern Pacific Transportation Company is authorized to construct an industrial drill track at grade across Stewart Avenue in the City of Fremont, Alameda County, as set forth in the findings of this decision.

A. 59318 SD

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.

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

Dated MAY 20 1980, at San Francisco,
California.

Jah E. Boyer
President
Richard W. Howell
Clair J. DeRolph
James W. Francis
Commissioners