

SD

Decision No. 91815

MAY 20 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Application Of The San Francisco
Bay Area Rapid Transit District
For Authority To Construct
A Pedestrian Crossing Under
The Western Pacific Railroad
Company's Mainline Track
At The Hayward Station In
The City Of Hayward, County
Of Alameda, State Of California.

Application No. 59050
(Filed August 7, 1979)

O P I N I O N

As part of the project to develop and expand the parking lot facilities at the San Francisco Bay Area Rapid Transit District's Hayward Station, the San Francisco Bay Area Rapid Transit District (BART) requests authority to construct the "Hayward Pedestrian Underpass" under the tracks of The Western Pacific Railroad Company's Main Line in the City of Hayward, Alameda County.

BART is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000, et seq.

BART alleges that this project is categorically exempt from the provisions of CEQA pursuant to Title 14 (Resources), California Administrative Code, Sections 15101 (e), 15101 (f) and 15111. On October 23, 1979, a Notice of Exemption was filed with the Alameda County Clerk.

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

Notice of the application was published in the Commission's Daily Calendar on August 8, 1979. No protests have been received. A public hearing is not necessary.

F I N D I N G S

1. Applicant should be authorized to construct the "Hayward Pedestrian Underpass" under the tracks of The Western Pacific Railroad Company's Main Line in the City of Hayward, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 4-20.35-BD.

2. Clearances should be in accordance with General Order 26-D.

3. Walkways should conform to General Order 118. Walkways adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of the agreement, together with plans of the crossing approved by The Western Pacific Railroad Company, should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Notice of Exemption.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect 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 be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The San Francisco Bay Area Rapid Transit District is authorized to construct the "Hayward Pedestrian Underpass" under the tracks of The Western Pacific Railroad Company's Main Line 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.

This authorization shall expire if not exercised within three 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.

SS

Dated MAY 20 1980, at San Francisco, California.

John E. Coyne
President

Leon L. Stenger

Richard D. Powell

Clair T. Deitch

Francis W. Pinner
Commissioners