

T/SD

Decision No. 92132 AUG 19 1980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 THE WESTERN PACIFIC RAILROAD COMPANY  
 for authority to construct a spur  
 track at grade over and across Pacific  
 Street within the City of Union City,  
 County of Alameda, State of California.

Application No. 59615  
 (Filed April 25, 1980)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct a spur track at its existing grade crossing of Pacific Street (Crossing 4-26.92-C) which presently includes one industrial drill track in the City of Union City, Alameda County.

The Commission 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. The site of the proposed project has been inspected by the Commission staff.

The proposed spur track will provide rail service to U.S. Cold Storage Company, a new industry located within the East Bay Industrial Park developed by applicant and its subsidiary, Standard Realty and Development Company. The project is located in an existing light industrial area with many rail served industries.

Applicant advises that the industry to be served requires rail service at the earliest possible date and, therefore, requests that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on April 28, 1980. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

Findings of Fact

After consideration, the Commission finds:

1. Applicant should be authorized to construct a spur track at grade across Pacific Street 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 a portion of Crossing 4-26.92-C.

2. Construction of the spur track 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 the two existing Standard No. 1-R crossing signs (General Order 75-C), one to be relocated. 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 fuseses 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 crossing. Suitable signs should be installed on both sides of Pacific Street, calling the attention of trainmen to the flagging instructions.

6. Construction cost of the crossing and relocation cost of the existing crossing sign should be borne by the applicant.

7. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the crossing signs should be borne by the applicant.

8. The industry to be served requires rail service at the earliest possible date; therefore, the usual thirty-day waiting period should be waived.

9. The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

10. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

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 Western Pacific Railroad Company is authorized to construct a spur track at its existing grade crossing of Pacific Street 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.

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The effective date of this order is the date hereof.

Dated AUG 19 1980, at San Francisco,  
California.

John E. Byron  
President

Vernon L. Steegen

Philip J. Davis

Samuel W. Jones  
Commissioners

Commissioner Richard D. Gravelle, being  
necessarily absent, did not participate  
in the disposition of this proceeding.