

Decision No. 92141 AUG 19 1980

ORIGINAL

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 Danti Court in the City
of Hayward, County of Alameda, State of
California.

Application No. 59592
(Filed April 15, 1980)

O P I N I O N

As part of the project for development of Tract No. 3555 as an industrial subdivision, Southern Pacific Transportation Company request authority to construct an industrial drill track at grade across Danti Court 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 (CEQA), as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of a Negative Declaration, the City of Hayward approved the project. On December 20, 1973, the Negative Declaration was filed with the Alameda County Clerk which found that: "this project will have no 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 Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project is located on the southwest side and adjacent to the Southern Pacific Transportation Company's mainline (L-line) tracks and southeast of the State Route 92 approach to the Hayward-San Mateo Bridge. A portion of the tract is already developed and being used for commercial warehousing and industrial activities. Rail service is presently being provided in the developed section.

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 16, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct an industrial drill track at grade across Danti Court in the City of Hayward, Alameda County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing L-23.62-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 Danti Court, 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 Hayward 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 Negative Declaration.

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

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

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 Southern Pacific Transportation Company is authorized to construct an industrial drill track at grade across Danti Court 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 one year 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 is the date hereof.

Dated AUG 19 1980, at San Francisco, California.

John E. Guyon
President

Richard L. Sturgeon

Alfred T. DeLaford

Samuel J. ...
Commissioners

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