

ORIGINAL

Decision 93217 JUN 16 1981

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 drill
track at grade over and across Osgood
Road in the City of Fremont, County
of Alameda, State of California

Application 60038
(Filed October 29, 1980)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct an industrial drill track at grade across Osgood Road in the City of Fremont, Alameda County.

The Commission is the lead agency for this project under 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 industrial drill track will provide rail service to an industrial subdivision being developed by Sutter Hill Ltd., in the City of Fremont. The project site is located within an industrial area and is contiguous with the existing light industrial development in the area. Most of the existing industries southerly of the project site are rail-served.

Notice of the application was published in the Commission's Daily Calendar on November 3, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial drill track at grade across Osgood Road in the City of Fremont, Alameda County.

2. The proposed industrial drill track crossing of Osgood Road is required to provide rail service to an industrial subdivision being developed by Sutter Hill, Ltd., in the City of Fremont.

3. Public convenience and necessity require construction of the proposed drill track crossing.

4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (General Order 75-C).

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

6. 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

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 an industrial drill track at grade across Osgood Road 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 4G-5.14-C.

2. Construction of the crossing shall be equal or superior to Standard No. 4-C of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

4. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Parking on Osgood Road within 35 feet of the crossing shall be prohibited.

6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by applicant.


7. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant.


8. Within 30 days after completion, under 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.


This order becomes effective 30 days from today.


Dated JUN 16 1981, at
San Francisco, California.



President








Commissioners