

ORIGINAL

Decision 93276 JUL 7 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
City of Hayward to construct a public)
street across a railroad of the Western)
Pacific Railroad Co. at San Clemente)
Street, Hayward, California.)

Application 60180
(Filed January 9, 1981)

O P I N I O N

As part of the "Tract 4420 Tentative Map" project for sub-
division of a 57-acre parcel, the City of Hayward requests authority to
construct San Clemente Street at grade across Western Pacific Railroad
Company's (WP) industrial drill track in Hayward, Alameda County.

The City of Hayward is the lead agency for this project
under the California Environmental Quality Act of 1970 (CEQA), as
amended, Public Resources Code, Section 21000 et seq. After prepara-
tion and review of an Initial Study, the City of Hayward issued a
Negative Declaration and approved the project. On February 15, 1980,
a Notice of Determination was filed with the Alameda County Clerk
which found that: "The project will not have a 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
Initial Study and Negative Declaration. The site of the proposed
project has been inspected by the Commission staff.

The "Tract 4420 Tentative Map" project provides for the
subdivision of a 57-acre parcel of industrial land into 46 individual
lots. The project includes the necessary public improvements and
utilities and is consistent with present zoning and the City of Hayward's
adopted General Policies Plan. The involved parcel has lain fallow for
the past several years and is surrounded by areas presently being de-
veloped for industrial use.

Notice of the application was published in the Commission's Daily Calendar on January 13, 1981. 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 San Clemente Street at grade across WP's industrial drill track in Hayward, Alameda County.

2. The proposed drill track crossing is required to provide a second means of access to the industrial subdivision.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers (General Order 75-C).

5. Applicant is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. The project will have no significant impact 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 City of Hayward is authorized to construct San Clemente Street at grade across Western Pacific Railroad Company's (WP) industrial drill track in Hayward, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 4-26.53-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 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 two Standard No. 8-A automatic flashing-light signals with cantilevers (General Order 75-C).

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

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under Public Utilities Code Section 1202.2.

7. Construction plans of the crossing approved by WP, together with a copy of the agreement entered into between the parties involved, shall be submitted to the Commission before construction is commenced.

8. Within thirty 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 JUL 7 1981, at San Francisco, California.

Jul E. Dwyer
President

Thomas M. Gorman
Victor C. ...

Priscilla C. Green
Commissioners

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