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Decision D. 97-<sup>10</sup>~~01~~-051 October 22, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Fremont for )	
an Order authorizing construction of two )	
crossings at separated grades between )	Application 97-03-037
Paseo Padre Parkway and Washington )	(Filed March 21, 1997)
Boulevard and the tracks of the Union )	
Pacific Railroad Company, (PUC Nos. )	
4G-2.6 and 4G-3.2), and for the )	
elimination of eight grade crossings and )	
two narrow underpasses. )	

*WASHINGTON*

O P I N I O N

The City of Fremont (City) requests authority to construct the Washington Boulevard Overhead and the Paseo Padre Parkway Overhead at separated grades over the tracks of the Union Pacific Railroad Company's (UP) San Jose Branch line in Fremont, Alameda County. The overheads will replace the present grade crossings at Washington Boulevard and Paseo Padre Parkway.

The priority list of grade separation projects for the fiscal years 1996-98, as set forth in Decision 96-06-041, dated June 19, 1996 in I.95-07-003, shows this project as Priority No. 10.

Construction of the Washington Boulevard and Paseo Padre Parkway Overheads is part of a track consolidation plan proposed by the city of Fremont. Although the applicant desires the consolidation of lines through town, the closure of the crossings on the Niles-San Jose (DA) mainline is not required for the construction of the two overheads. Replacement of the existing grade crossings with overheads will provide major arterial streets not subject to disruption by rail movements, and will improve the safety of pedestrians, bicyclists, and motorists in crossing the heavily used tracks.

During construction of the Washington Boulevard Overhead, the street will be closed at the tracks, vehicular traffic will be detoured to temporary one-way crossings on either side of the existing street. During construction of the Paseo Padre Parkway Overhead, the existing eastbound lanes will be used for two-way traffic and the westbound lanes will be closed. The adjacent DA line will be taken out of service before construction begins. After the overheads are open to traffic the temporary and remaining existing grade crossings will be removed.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination.

The Commission's Rail Safety and Carriers Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to the alteration of an existing crossing. A sketch of the crossing area is included as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 25, 1997. No protests have been filed.
2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Washington Boulevard Overhead and

the Paseo Padre Parkway Overhead at separated grades over the tracks of the UP San Jose Branch line in Fremont, Alameda County.

3. Construction of the Washington Boulevard Overhead and the Paseo Padre Parkway Overhead is required to improve traffic circulation in Fremont.

4. Public convenience, necessity, and safety require construction of the Washington Boulevard Overhead and the Paseo Padre Parkway Overheads.

5. During construction of the Washington Boulevard Overhead, the street (Crossing 4G-3.2) will be closed at the tracks, vehicular traffic will be detoured to temporary one-way crossings on either side of the existing street. Public safety requires that protection at each of the two temporary grade crossings shall be one Standard No. 9 automatic gate type signal ( General Order (GO) 75-C).

6. During construction of the Paseo Padre Parkway Overhead, the existing (Crossing 4G-2.6) eastbound lanes will be used for two-way traffic and the westbound lanes will be closed. Public safety requires that protection at the temporary modified grade crossing shall be two Standard No. 9 automatic gate type signals (GO 75-C).

7. Upon completion of the Washington Boulevard Overhead and the Paseo Padre Parkway Overhead and their opening to vehicular traffic, the temporary grade crossings shall be closed.

8. City is the lead agency for this project under CEQA, as amended.

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

3. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

ORDER

IT IS ORDERED that:

1. The City of Fremont (City) is authorized to construct the the Washington Boulevard Overhead and the Paseo Padre Parkway Overhead at separated grades over the tracks of the Union Pacific Railroad Company's (UP) San Jose Branch line in Fremont, Alameda County at the location and substantially as shown by plans attached to the application, to be identified as Crossings 4G-3.2-A and 4G-2.6-A respectively.

2. City is also authorized to construct temporary grade crossings of the Washington Boulevard detour roads and modify the existing eastbound lanes of the existing Paseo Padre Parkway crossing for two-way traffic, required during construction.

3. Protection at each of the two Washington Boulevard temporary grade crossings shall be one Standard No. 9 automatic gate type signal (General Order (GO) 75-C). Protection at the temporary modified Paseo Padre Parkway grade crossing shall be two Standard No. 9 automatic gate type signals.

4. Upon completion of the overheads and their opening to traffic, the existing Washington Boulevard grade crossing (Crossing 4G-3.2) and temporary detour crossings, and the existing Paseo Padre Parkway grade crossing (Crossing 4G-2.6), shall be closed and physically removed.

5. Clearances shall be in accordance with GO 26-D, except that during the period of construction a clearance of not less than

21'6" above top of rail shall be authorized and UP shall be authorized to operate with such reduced clearance provided that instructions are issued by the railroad and filed with the Commission's Rail Safety and Carriers Division limiting the height of loads beneath the structure.

6. City shall notify the Commission's Rail Safety and Carriers Division and UP at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

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

8. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by UP, shall be filed with the Commission's Rail Safety and Carriers Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

9. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

A.97-03-037 RSAC/LGB

11. The application is granted as set forth above.
12. Application 97-03-037 is closed.

This order becomes effective 30 days from today.

Dated October 22, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A

