

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



September 27, 2010

File Number: G.10-09-005
City of Fremont, County of Alameda

James E. Pierson
Transportation and Operations Director
City of Fremont
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Re: **General Order 88-B Request for Authority to Modify the Kato Road Highway-Rail Crossing in the City of Fremont, Alameda County**
CPUC Crossing No. 001DA-38.00, DOT No. 750226F
CPUC Crossing No. 004G-8.50, DOT No. 834497W

Dear Mr. Pierson:

This refers to your letter, dated September 1, 2010, and received by us on September 8, 2010, requesting authorization, pursuant to Commission General Order (GO) 88-B, to modify the existing at-grade crossing of the Union Pacific Railroad Company's (UPRR) Warm Springs Subdivision track and Kato Road in the City of Fremont (City), Alameda County. The crossings are identified as the Kato Road Highway-Rail Crossing, CPUC Crossing No. 001DA-38.00, DOT No. 750226F (Warm Springs Subdivision – Main Track No. 1) and CPUC Crossing No. 004G-8.50, DOT No. 834497W (Milpitas Subdivision Main Line). The request was signed by both the City and Santa Clara Valley Transportation Authority (VTA). VTA is identified as the lead agency for the Freight Railroad Relocation Project.

Kato Road is a four lane roadway with median islands dividing the eastbound and westbound approach to the crossing. The crossing is currently equipped with three Commission Standard 9 (flashing light signal assembly with automatic gate) warning devices, and one Commission Standard 9A (Commission Standard 9 with additional flashing light signals over the roadway on a cantilevered arm) warning device.

Currently there is one freight track along the west railroad corridor (Warm Springs Subdivision), and another freight track along the east railroad corridor, which is owned by VTA. The crossings are identified by 2 independent identification numbers. The crossings share the same set of crossing warning devices since they are approximately 60 feet apart.

The tracks are being modified so that the west side of the corridor accommodates all freight traffic. An additional track is being constructed along the Warm Springs Subdivision; at Kato Road the new track will be placed 15 feet east of the existing track. The east corridor is owned by VTA and will become a public transportation corridor, with any future crossing of the public transportation corridor to be grade separated. The entire Kato Road crossing is planned for grade separation as

part of the long-term plan. However, this authorization is only for the near-term modifications, as described below.

The City states in its GO 88-B request letter that “The proposed crossing modifications will enhance pedestrian and motorist safety while allowing the relocation of two freight track. The overall purpose of these modifications is to consolidate freight traffic on one side of a previously wider rail corridor. The relocation of freight tracks in this manner clears the adjacent publicly owned corridor for future rail transportation projects.”

The proposed alterations as indicated in the request letter and/or shown in the attachments consist of:

1. Install one freight track and associated concrete panels across Kato Road. This track will be installed 15 feet east (track centerline-to-track centerline) of the existing freight track in the UPRR-owned corridor. The concrete panels will be installed to meet the existing roadway surface.
2. Install asphalt concrete pedestrian walkways alongside Kato Road on both sides of the crossing. The walkway will be five feet wide and the concrete panels will extend a minimum of two feet beyond the limit of the walkway. The walkway will be bordered with 12-inch wide white striping.
3. Install four panels of ADA compliant tactile warning strips on the pedestrian walkway. The warning strips will be located at the four corners of the crossing, no less than twelve feet from the nearest track, and just in advance of the existing warning devices if present (as shown on plans attached to the request). The warning strips will span the width of the walkway at each location.
4. Install new stop bars on each approach lane of Kato Road, no less than eight feet in advance of the lowered gate arms.
5. Install a bell on the Standard No. 9 (automatic gate and flashing light signal assembly) facing eastbound Kato Road.
6. Install a NO U-TURN sign on the median
7. Update all track number signs.
 - W48(CA) advance warning signs on each approach
 - R15-2 signs placed below each Crossbuck (R15-1) sign

After completion of these modifications, the freight track in the VTA right-of-way will be inactive, but is not planned for immediate removal. When the freight track in the VTA right-of-way is eventually removed, the track must also be removed from the roadway, the warning devices must be relocated to accommodate any remaining at-grade freight tracks, and the roadway and sidewalks must be renovated as appropriate. CPUC staff is in strong support of the long-term plan to fully grade-separate all tracks at this crossing.

The Commission’s Rail Crossings Engineering Section (RCES) investigated the request filed by the City, and finds it adequately addresses compliance and safety. As City and VTA have joined in the request, and UPRR is also in agreement as to the design and apportionments of the cost under the

provisions of GO 88-B, the improvements as described in your request dated September 1, 2010 and summarized above are authorized.

Temporary traffic controls shall be provided in compliance with Section 8A.05, Temporary Traffic Control Zones, of the California Manual on Uniform Traffic Control Devices (CA MUTCD), published by the California Department of Transportation.

All parties shall comply with all applicable rules, including Commission General Orders and the CA MUTCD.

This project is categorically exempt from the requirements of the California Environment Quality Act of 1970, as amended. [California Pubic Resources Code 21084].

This authorization shall expire if the above conditions are not complied with or if the work is not completed within two years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved parties in support of the time extension. If an extension is requested, RCES may reevaluate the crossing prior to granting an extension.

Within 30 days after completion of this project, the City shall notify RCES that the authorized work is completed by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

If you have any questions, please contact Kevin Schumacher at (415) 703-1208 or kevin.schumacher@cpuc.ca.gov.

Sincerely,



Daren Gilbert, Supervisor
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Jim Smith, UPRR
Benjamin Scharf, VTA