

PUBLIC UTILITIES COMMISSION

180 Promenade Circle, Suite 115
SACRAMENTO, CA 95834-2939



April 27, 2011

File Number: G.11-02-010

Mark Erickson
Sr. Maritime Projects Administrator
Port of Oakland
530 Water Street
Oakland, CA 94607

Re: GO 88-B Request for Authority to Alter the Middle Harbor Road Highway-Rail Crossing, CPUC Crossing No. 098BFS-1.87, DOT No. 928994L in the City of Oakland, Alameda County.

Dear Mr. Erickson:

This refers to your letter dated February 10, 2011 and received by us on February 14, 2011 requesting authorization pursuant to Commission General Order (GO) 88-B to alter an at-grade highway-rail crossing of the Port of Oakland (Port) track in the City of Oakland (City), within the Port, Alameda County. The crossing is identified as the Middle Harbor Road Highway-Rail Crossing, CPUC Crossing No. 098BFS-1.87, DOT No. 928994L. There was discussion between Port and CPUC staff from February through April regarding the details of how to ensure trains cannot reach the crossing, and agreement was reached at the on-site diagnostic meeting of April 18, 2011.

The Middle Harbor Road crossing is currently a single track in the vicinity of Berth 57 and Berth 59 in the Port, and is equipped with two Commission Standard 8-A (flashing light signal assembly with additional overhead flashing light signal pairs on a cantilever arm) warning devices. The Standard 8-A warning device for eastbound traffic is located in the southwest quadrant, while the Standard 8-A warning device for westbound traffic is located in a raised median just east of the track. The track has been unused in recent years and is currently considered out-of-service. The rail between the frog and the roadway just north of Middle Harbor Road has been cut and a derail has been placed in recent months.

There are currently two lanes in each direction at the track. There is a raised median in the center of the roadway just east of the track and a westbound left-turn lane along the center of the roadway

just west of the track. The intent of the current modifications is to allow trucks to use the current median area as a westbound left-turn lane to improve traffic flow and to alleviate traffic congestion entering the Berths 57-59 marine terminal. This requires the removal of the Standard 8-A warning device and the raised median which are currently in the middle of the roadway just east of the crossing.

Should rail service need to recommence through the crossing, the configuration must be reviewed by a diagnostic team including the Port and the Commission's Rail Crossings Engineering Section (RCES). The median and warning devices would likely need to be restored to their prior condition with CPUC authorization through the General Order 88-B process.

The proposed alterations, as indicated in the request letter and/or shown in the attachments, and as agreed based on further correspondence through April 20, 2011, and conditional upon the crossing being inaccessible by trains, shall consist of:

- Taking the crossing out of service with the following alterations: Remove switch stand and connecting rod; Lock the switch points; Pull rail out of gage between the frog and the roadway and spike in place, creating a physical disconnect between the frog and the diverging track in order to prevent the diverging move into the at-grade crossing.
- Removing westbound warning device in the roadway median, including concrete island, bollards, and cantilevered warning device (Standard 8-A).
- Installing two TRACKS OUT OF SERVICE signs (R8-9), and turn lights from view on the remaining warning device, as described in Chapter 8 of the California Manual on Uniform Traffic Control Devices (CA MUTCD) Section 8B.09.

Staff has investigated the Port's request, and finds it adequately addresses compliance and safety. As the Port has responsibility for both the roadway and the track in the vicinity, and there is general agreement regarding the design and apportionments of the cost under the provisions of GO 88-B, you may proceed with the alterations as described in your request letter and attachments and summarized above.

Temporary traffic controls shall be provided in compliance with Section 8A.05, Temporary Traffic Control Zones, of the CA MUTCD, published by Caltrans.

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

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

This authorization shall expire if the above conditions are not complied with or if the work is not completed within three 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

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requested, the Commission's Rail Crossings Engineering Section (RCES) may reevaluate the crossing prior to granting an extension.

Within 30 days after completion of this project, the Port 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,

A handwritten signature in black ink, appearing to read "Daren Gilbert". The signature is written in a cursive, flowing style.

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

cc: Peter Chun, City of Oakland