

## PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115  
SACRAMENTO, CA 95834



May 24, 2011

File Number: G.11-05-001

Benjamin H. Scharf  
Senior Assistant Counsel  
Santa Clara Valley Transportation Authority  
3331 North First Street  
San Jose, CA 95134-1906

**Re: General Order 88-B Request for Authority to Alter and Grade Separate the Warren Avenue Highway-Rail Crossings in the City of Fremont, Alameda County.  
CPUC Crossing Numbers 001DA-6.40 & 004G-6.70  
U.S. DOT Crossing Numbers 750073E & 833885S**

Dear Mr. Scharf:

This refers to your letter dated May 2, 2011 and received by us on May 5, 2011 requesting authorization, pursuant to Commission General Order (GO) 88-B, to alter and grade separate the existing at-grade highway-rail crossings of Warren Avenue in the City of Fremont (City), County of Alameda. The request was signed by the Santa Clara Valley Transportation Authority (VTA). Evidence of concurrence was provided by Union Pacific Railroad (UP), City of Fremont (City), and the California Department of Transportation District 4 (Caltrans).

VTA proposes to depress Warren Avenue to run beneath all tracks, which requires the construction of structures that will be above the depressed roadway to carry railroad tracks, future rail transit tracks, and a private roadway. The west crossing is currently identified as CPUC Crossing No. 001DA-6.40 and DOT No. 750073E, which is along the railroad corridor owned by UP and identified as the Warm Springs Subdivision. The east crossing is currently identified as CPUC Crossing No. 004G-6.70 and DOT No. 833885S, which is along the future rail transit corridor owned by VTA. VTA also proposes to construct a new private at-grade highway-rail crossing of two UP railroad tracks at a location just north of the future Warren Avenue grade separation structures. A roadway bridge structure is proposed between the two proposed highway-rail grade-separation structures. The private crossing and roadway bridge structure are necessitated by the need to maintain access to the Warm Springs Yard facility of UP on the south side of Warren Avenue that will no longer have access to its current entrance once the roadway is depressed and grade separation structures are constructed.

The proposed modifications are part of a much larger project to extend rail transit between City of Fremont and City of San Jose. Related work at Warren Avenue has previously been authorized by CPUC staff in G.10-09-004 dated September 27, 2010.

The proposed alterations, as more completely described in the request letter and shown in the attachments, shall consist of:

1. Elimination of the 2 existing at-grade highway-rail crossings along Warren Avenue.
2. Depression of the Warren Avenue roadway.
3. Construction of a sidewalk along Warren Avenue in the immediate vicinity.
4. Construction of a bridge for 2 railroad tracks along the UP-owned right-of-way above Warren Avenue
5. Construction of a bridge for 2 future rail transit tracks along the VTA-owned right-of-way above Warren Avenue
6. Construction of a private roadway above Warren Avenue and between the 2 rail bridges.
7. Construction of a private at-grade highway-rail crossing across two UP tracks, subject to the terms of a private agreement with UP.

Staff has investigated VTA's request, and finds it adequately addresses compliance and safety. As VTA, UP, City and Caltrans are in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, you may proceed with the improvements 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 statutorily exempt from the requirements of the California Environment Quality Act of 1970, as amended [California Public Resources Code 21080.13].

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 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, VTA 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

Ben Scharf, VTA  
G.11-05-001  
May 24, 2011  
Page 3 of 3

CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) as outlined on the web page.

Upon completion of the project UP should submit an updated FRA inventory form to the Federal Railroad Administration, reflecting the grade separation of its tracks. CPUC requests a concurrent copy of the updated inventory form be submitted to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov).

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

Sincerely,



Daren Gilbert, Manager  
Rail Transit & Crossings Branch  
Consumer Protection and Safety Division

cc: James H. Smith  
Manager Industry & Public Projects  
Union Pacific  
9451 Atkinson St  
Roseville, CA 95747

Emily Landin-Lowe  
Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

James E. Pierson  
Public Works Director  
City of Fremont  
P.O. Box 5006  
Fremont, CA 94537-5006