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ORIGINAL

Decision No. 81894

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SOUTHERN PACIFIC TRANSPORTATION COMPANY for an order authorizing the construction at grade of an industrial spur track in, upon, and across Industrial Avenue in the City of Roseville, County of Placer, State of California.

Application No. 54138
(Filed June 29, 1973)

O P I N I O N

Applicant railroad seeks an order of the Commission authorizing the construction, at grade, of an industrial spur track across Industrial Avenue, Roseville, Placer County.

By a motion filed pursuant to Rule 17.1(e) of the Commission's Rules of Practice and Procedure, applicant seeks an order from the Commission that the construction of the industrial spur track is included under the categorical exemptions established in the Guidelines issued by the California Resources Agency.

The motion will be denied. The construction of an industrial spur track and a new grade crossing are not projects included in the categorical exemptions set forth in the guidelines. Section 15116 of the Guidelines¹ provides that the Commission shall list those specific activities under its jurisdiction which fall within each class of exemptions with the caveat that these lists must be consistent with both the letter and the intent expressed in the classes.

1/ Guidelines, Art. 8 (Categorical Exemptions) 15116. "Application to Public Agencies. The classes listed in this article are broadly drawn, as are the examples given with each. Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each class, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes."

In promulgating Rule 17.1 we gave specific attention to the matter of grade crossings. The specific categorical exemptions listed in Rule 17.1(m) do not make any reference to the construction of industrial spur tracks or grade crossings. Rather, the reference to grade crossings is limited to alterations of existing crossings.^{2/}

The effect of the motion, if granted, would be to add a new categorical exemption. It is not within our power to add to, or delete from, the list of categorical exemptions.^{3/} Specific procedures are outlined in the Guidelines for the amendment of the list of categorical exemptions.^{4/}

Pursuant to the requirement of Rule 17.1(n)(1)B2 that the Commission is the lead agency under the circumstances here, the staff examined the site of the proposed spur track and crossing and submitted its report thereon.

According to the staff report, the proposed construction lies within a newly established industrial area and is designed to provide rail service to the new American Olean Tile Company warehouse. Industrial Avenue is located in the northwest portion of Roseville and runs generally north and south, paralleling State Sign Route 65 and the Southern Pacific Transportation Company's tracks. The north and south ends of Industrial Avenue join State Sign Route 65. The south end is near the underpass crossing C.108.2-B; the north end is approximately one mile south of Lincoln's city limits. Industrial Avenue is an asphalt-concrete two-lane road approximately 40 feet wide. Vehicle speed on the road is from 45 to 65 miles per hour. Traffic safety at the crossing will be provided

^{2/} Rule 17.1(m), (1)A.5, 6, 7, and (1)B.2.

^{3/} Section 21086, Public Resources Code; Guidelines Sections 15014 and 15051.

^{4/} Guidelines Sections 15115, 15116; Rule 17.1(m)2.

by Standard No. 9 gate signals. Vehicle emissions should be lower due to the use of rail service to the warehouse as opposed to all truck service. The proposed crossing will not unreasonably interfere with vehicular traffic on Industrial Avenue. Any additional noise that may be created will not be a significant factor since applicant's mainline is in the immediate vicinity of Industrial Avenue.

Applicant states that it is desired to construct the trackage and crossing to serve American Olean Tile Company; that because of the existing grade conditions at the project location, installation of an overhead or underground crossing is not practicable.

A certified copy of Resolution No. 73-12 adopted by the City Council of Roseville on January 31, 1973, was filed with the application. The resolution states that the city of Roseville has no objection to the construction and maintenance of the railroad spur.

Notice of the application was published in the Commission's Daily Calendar on July 2, 1973. No protest has been received. A public hearing is not necessary.

Findings

1. The request is in the public interest and the Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

2. Applicant should be authorized to construct an industrial spur track, at grade, at the location and in accordance with the plan set forth in the application.

3. Construction and maintenance of the industrial spur track, crossing, and installation of the protection have been agreed upon

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between applicant and the city of Roseville as set forth in Resolution No. 73-12, dated January 31, 1973, of Roseville's City Council.

We conclude that the application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to construct, maintain, and operate across Industrial Avenue in the city of Roseville, Placer County, an industrial spur track as set forth in its application and the attached print of Sacramento Division Drawing No. S-2324, dated January 16, 1973.

2. The crossing, to be identified as Crossing No. C-109.42-C shall be protected by the installation of two Standard No. 9 Flashing Light Signals with automatic gates (General Order No. 75-C). Width of the crossing shall be not less than 40 feet. Finished grades of approach shall conform to the existing roadway. Crossing construction shall be equal or superior to Standard No. 2 (General Order No. 72-B). Clearance, including any curbs, shall conform to General Order No. 26-D. Walkways adjacent to the crossing shall conform to General Order No. 113.

3. Applicant shall bear all construction and maintenance costs of the project.

4. Within thirty days after completion, pursuant to 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. This authorization may be revoked or modified if public convenience, necessity, or safety so require.

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5. The motion made herein by applicant is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th
day of SEPTEMBER, 1973.

Vernon L. Sturges
President

William J. Simon
William J. Simon

[Signature]
Commissioners

Commissioner Thomas Moran, being
necessarily absent, did not participate
in the disposition of this proceeding.