

ORIGINAL

Decision No. 81918

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA
AND SANTA FE RAILWAY COMPANY, a
corporation, for authority to
construct, maintain and operate a
spur track across Canal Boulevard
in the City of Richmond, County of
Contra Costa, State of California

Application No. 54082
(Filed June 4, 1973)

O P I N I O N

Applicant railroad seeks an order of the Commission authorizing the construction, at grade, of a spur track across Canal Boulevard in the city of Richmond, county of Contra Costa.

By a motion, attached to its verified application, filed pursuant to Rule 17.1(e) of the Commission's Rules of Practice and Procedure, applicant seeks a Negative Declaration from the Commission in conformance with the California Environmental Quality Act of 1970. The motion will be denied; we will refund the \$500 filing fee. ✓

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 an industrially zoned area and seaport related activities. Some of the types of industries in the area are a container terminal, petroleum distribution plant, and a human-waste treatment plant. The proposed construction is designed to serve a new industry in a well established industrial area. The substitution of rail service for truck service will reduce vehicle emissions. Vehicular traffic will not be unreasonably inconvenienced since there will be only two train crossings per day which will normally occur

during off-peak hours. Noise pollution will not be significantly increased due to the nature of the area and the fact that vehicular traffic consists mostly of heavy trucks serving the surrounding industries. Safety at the crossing will be provided by the installation of Standard No. 8-A automatic signals and train speed over the crossing will be limited to five miles per hour.

Applicant states that it is desired to construct said spur track and crossing to serve a new facility of the General American Transportation Corporation; that initial rail service will consist of one switching movement in each direction per day at a rail speed not to exceed five miles per hour.

A copy of Resolution No. 88-73 dated April 30, 1973 of the Richmond City Council authorizing applicant to construct, maintain, and operate trackage in Canal Boulevard under specified conditions was attached to the application as Exhibit "B".

Notice of the application was published in the Commission's Daily Calendar on June 5, 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 a spur track, at grade, at the location and in accordance with the plan set forth in the application.
3. Construction and maintenance of the spur track, crossing, and installation of the protection should be borne by applicant.

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. The Atchison, Topeka and Santa Fe Railway Company is authorized to construct, maintain, and operate across Canal Boulevard in the city of Richmond, Contra Costa County, a spur track, as set forth in its application, and the attached map and profile of Division Engineer's Drawing No. V-20-328 dated January 2, 1973.

2. The crossing, to be identified as Crossing No. 2-1190.9-C, shall be protected by two Standard No. 8-A flashing light signals mounted on cantilever arms (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. 118.

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.

6. The Secretary is directed to refund the \$500 fee paid by applicant.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th
day of SEPTEMBER, 1973.

Thomas L. Steiner
President
William J. ...
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Commissioners