

TLR

Decision No. 82071

ORIGINAL

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 West Cordelia Road)
in the City of Cordelia, County)
of Solano, State of California.)

Application No. 54234
(Filed August 9, 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 West Cordelia Road in the community of Cordelia, County of Solano.

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 Guidelines^{1/} provides that the Commission shall

^{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."

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.

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)(3)2 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 facilities of Oregon Pacific Industries. West Cordelia Road is located in Solano County near the unincorporated community of Cordelia and runs generally east and west, paralleling the Southern Pacific Transportation Company's tracks. State Sign Route 80 bounds the area on the north and State Sign Route 21 bounds the area to the east, forming a triangular area which is being developed as an industrial park. West Cordelia Road is an asphalt-concrete two-lane road approximately

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

^{3/} Section 21066, Public Resources Code; Guidelines Sections 15014 and 15051.

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

24 feet wide. Vehicle speed on the road is approximately 25 miles per hour. Traffic safety at the crossing will be provided by Standard No. 8 flashing light signals (General Order No. 75-C). 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 West Cordelia Road. Any additional noise that may be created will not be a significant factor since applicant's branch line is in the immediate vicinity of West Cordelia Road.

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

A copy of resolution adopted by the Board of Supervisors of Solano County, dated May 22, 1973, was filed with the application. The resolution authorizes the railroad to construct, reconstruct, maintain and operate a railroad spur track in and across West Cordelia Road.

Notice of the application was published in the Commission's Daily Calendar on August 10, 1973. No protest has been received. A public hearing is not necessary.

The applicant, by letter to the Commission dated October 15, 1973, states that the industry to be served requires track service sooner than anticipated and requests waiver of the usual twenty-day waiting period. The applicant further requests authority to install two Standard No. 1-R crossing signs as interim protection for a period of six months pending installation of two Standard No. 8 signals as proposed in the application. During this period all movements over the crossing would be protected by a member of the train crew until the automatic protection can be placed in service.

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 between applicant and the County of Solano as set forth in resolution dated May 22, 1973, of Solano County's Board of Supervisors.

4. The industry to be served requires early rail service. Authority to construct the spur track with interim protection consisting of two Standard No. 1-R signs and protection of all movements by a member of the train crew until the automatic protection can be installed is in the public interest.

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 West Cordelia Road in Solano County, an industrial spur track as set forth in its application and the attached print of Western Division Drawing No. C-1537, dated November 16, 1972.

2. The crossing, to be identified as Crossing No. AA-54.7-C, shall be protected by the installation of two Standard No. 8 flashing light signals (General Order No. 75-C). Width of the crossing shall be not less than 24 feet. Finished grades of approach shall conform to the existing roadway. Crossing construction shall be equal or superior to Standard No. 1 (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. Applicant may construct the industrial spur track as authorized herein with interim protection by two Standard No. 1-R crossing signs with all movements over the crossing being protected by a member of the train crew for a period of six months from the date hereof or until the installation of the automatic protection if accomplished prior to the expiration of the six-month period.

5. 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.

6. The motion made herein by applicant is denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 30th
day of OCTOBER, 1973.

Vernon L. Stinson
President
William J. Quinn

[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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