

Decision 84 05 030

MAY 2 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the City of Petaluma to Construct a )  
City Street Across the Right-of-Way )  
of the Northwestern Pacific Railroad )  
Company )

Application 83-11-33  
(Filed November 16, 1983)

O P I N I O N

The City of Petaluma (City) requests authority to construct Dynamic Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line in Petaluma, Sonoma County.

Dynamic Street has been constructed to the NWP right-of-way on the east side of the tracks. The extension of Dynamic Street westward across the tracks will provide access to a 33-acre wedge of property bounded by State Route 101, the Petaluma Estates mobile home park, and the NWP tracks. According to City's General Plan, this property will be developed as a light industrial park.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On January 27, 1984 a Notice of Determination was filed with the Sonoma County Clerk which found

that the "Project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on November 18, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Dynamic Street at grade across the tracks of NWP's main line in Petaluma, Sonoma County.

2. The proposed crossing is required to provide access to a land-locked parcel which is planned to be developed as a light industrial park.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order (GO) 75-C).

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Petaluma (City) is authorized to construct Dynamic Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line in Petaluma, Sonoma County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 5-40.1.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

4. Protection at the crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers (GO 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

7. Construction plans of the crossing, approved by NWP, together with a copy of the agreements entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

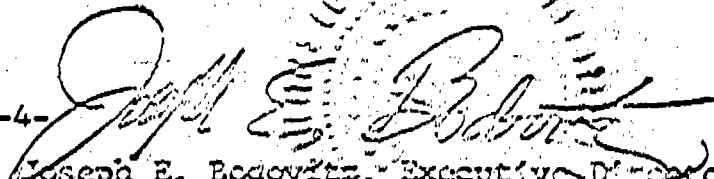
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 2 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

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Joseph E. Bodovitz, Executive Director