

ORIGINAL

Decision 84 11 033 NOV 7 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of The City of Vacaville to)	
construct a new City Street across)	Application 84-06-073
the Right of Way of the Union)	(Filed June 22, 1984)
Pacific Railroad at Village Way,)	
near Davis Street.)	

O P I N I O N

As part of the project for construction of the Meeks Building Center, the City of Vacaville (City) requests authority to construct Village Way at grade across the right-of-way of Sacramento Northern Railway's (SN) Vacaville Branch Line in Vacaville, Solano County.

The proposed project involves development of a retail building materials center on approximately 5 acres of land located immediately south of Interstate Route 80 and east of Davis Street. Village Way will provide the only access to the site.

The existing Vacaville Branch Line has been out of service for several years due to a lack of business. Commission Resolution ET-1325, dated February 16, 1984, authorized removal of crossing protection at Alamo Drive (Crossing 8G-3.1), located approximately one mile south of the proposed crossing. The track ends approximately 0.1 mile north of the project. SN has agreed to remove the track in the crossing area to facilitate construction.

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 May 21, 1984, a Notice of Determination was filed with the Solano 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 June 26, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Village Way at grade across the right-of-way of SN's Vacaville Branch Line in Vacaville, Solano County.
2. Construction of Village Way is required to provide access to a new building materials center.
3. Public convenience and necessity require construction of Village Way across SN's right-of-way.

4. No protection is required at the crossing since the Vacaville Branch Line is out of service and the track at the crossing will be removed.

5. At such time as rail operations may be resumed on this portion of the Vacaville Branch Line, public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

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

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

8. 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 Vacaville (City) is authorized to construct Village Way at grade across the right-of-way of Sacramento Northern Railway's (SN) Vacaville Branch Line in Vacaville, Solano County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 8G-4.2.

2. In the event that SN desires to replace the track at the crossing in order to restore rail service on this portion of the Vacaville Branch Line, construction of the crossing shall be in accordance with GO 72-B.

3. SN shall notify the Commission in writing at least 30 days prior to the resumption of rail operations across Village Way.

4. At such time as rail operations are resumed across Village Way, two Standard No. 9 automatic gate-type signals (GO 75-C) shall be installed as protection at the crossing.

5. For a period not to exceed one year from the date rail operations are resumed across Village Way, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent employee of the railroad, acting as flagman. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by SN to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after the resumption of rail operations.

Suitable signs shall be installed on both sides of Village Way calling the attention of trainmen to the flagging instructions.

7. The crossing shall be in compliance with all applicable rules, regulations and General Orders of the Commission prior to the resumption of rail operations.

8. Installation and maintenance costs of the initial crossing, as well as the tracks and crossing protection required for resumption of rail operations, shall be borne in accordance with the agreement which has been entered into between the parties, a copy of which has been filed with the Commission.

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

10. 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.

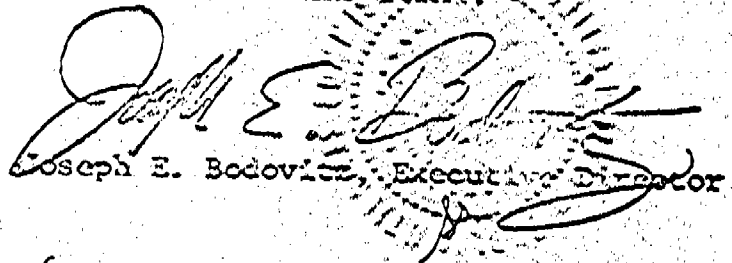
11. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated NOV 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TO


Joseph E. Bedovick, Executive Director