

Decision 84 11 104 NOV 21 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
the CITY OF FAIRFIELD to construct )	
a city street across the right-of-way )	Application 60223
of the SOUTHERN PACIFIC RAILROAD )	(Filed January 26, 1981)
COMPANY at Beck Avenue in the )	
Western Fairfield area. )	

William L. Owen and Thomas Haas, Attorneys at Law, for the City of Fairfield, applicant.  
Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Company, protestant.  
Robert W. Stich, for the Commission staff.

O P I N I O N

The City of Fairfield (City) brought this application for authority to construct a new street at grade across Southern Pacific tracks in Fairfield. The street would be an extension of Beck Avenue. The street extension was designed to serve an industrial park. City alleged that a grade separation was not economically feasible.

Southern Pacific Transportation Company (S.P.) protested, claiming that a grade crossing at the proposed location would interfere with rail operations at an essential holding area and that its traffic at the location was heavy. It also claimed to have plans to further develop its local system in a manner inconsistent with the grade crossing.

Hearings were held on October 14 through 19, 1981 and briefs were filed. The matter was then taken off calendar to allow the parties to settle. By letter of July 9, 1984 (copy to City) S.P. has withdrawn its protest. The letter represents that the parties have resolved their differences by agreements and that this matter is now ready for decision. None of the other parties have objected. The parties have entered into an easement, which is designated Exhibit 1.

The easement provides for a grade crossing protected by flashing lights and automatic gate arms. (Standard 9-A).

Installation and maintenance costs will be paid by the City.

Under the easement, the new crossing cannot be opened until after two adjacent crossings (Union Avenue and Rio Vista Road) are closed. These closings were previously authorized by the Commission as part of a project to open Route 12 over S.P. tracks at separated grades. This authority was not exercised and has expired. The City recently applied for a renewal of this authority (Application 84-06-083).

An Environmental Impact Report (EIR) was issued by the Fairfield Redevelopment Agency; that agency is the lead agency (under the California Environment Quality Act of 1970 (CEQA), as amended, Public Resources Act Sections 21000, et seq.) for a project (the Highway 12 Redevelopment) which necessarily includes a Beck Avenue crossing. That study did not find that the crossing would have any environmental effect.

The Commission is a responsible agency for the crossing and has independently evaluated and assessed the EIR.

#### Findings of Fact

1. Public convenience and necessity require the opening of Beck Avenue at grade over the tracks of S.P. in the City.

2.a. The Fairfield Redevelopment Agency is the lead agency for this project under CEQA, as amended.

b. The Commission is a responsible agency for the project and has reviewed and considered the EIR.

c. The crossing will have no significant impact on the environment.

3. Public safety and convenience require that the crossing be protected by predictor-controlled Standard 9-A protection with flashing warning lights and automatic gate arms.

#### Conclusions of Law

The application should be granted as set forth in the following order. No further environmental analysis is required.

O R D E R

IT IS ORDERED that:

1. The City of Fairfield (City) is authorized to construct Beck Avenue at grade across the tracks of Southern Pacific Transportation Company's (S.P.) Schellville Branch Line in Fairfield, Solano County, at the location and substantially as shown by plans attached to Exhibit 1, to be identified as Crossing AA-50.1.
2. Construction of the crossing shall be equal or superior to Standard 1 of General Order (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 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 SP, together with a copy of all agreements entered into between the parties, shall be filed with the Commission prior to commencing construction.
8. The authority to open the crossing may not be exercised until crossings at Union Avenue (A-49.0) and Rio Vista Road (A-49.1) are physically closed.
9. 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.
10. This authorization shall expire if not exercised within two years from the closing of Union Avenue and Rio Vista Road crossings or within three years from the date of this order, whichever is

sooner, 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.

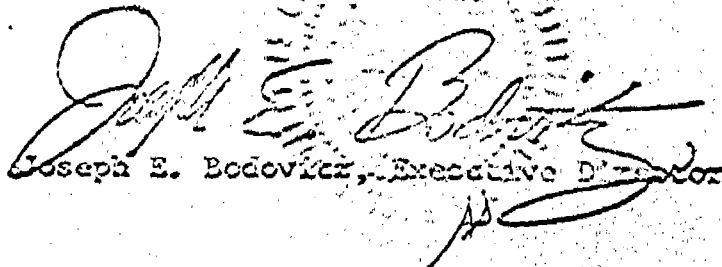
This order becomes effective 30 days from today.

Dated NOV 21 1984, at San Francisco, California.

FRISCELLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

Commissioner Victor Calvo,  
being necessarily absent, did  
not participate

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

  
Joseph E. Bodovick, Executive Director