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Decision 88 10 010 OCT 14 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Sacramento)
for authority to construct new grade)
separations at mile posts 126.8 and)
128.1 on Elk Grove Boulevard and Laguna)
Boulevard over the Union Pacific Rail-)
road Company's railroad tracks in the)
County of Sacramento.)

Application 88-05-047
(Filed May 25, 1988)

O P I N I O N

As part of the project to develop 733 acres of land, the County of Sacramento (County) requests authority to construct Elk Grove Boulevard and Laguna Boulevard at separated grades over Union Pacific Railroad Company's (UPR) main line tracks near Elk Grove, Sacramento County.

The project involves the construction of 3,463 dwelling units, 19 acres of commercial development, 140 acres of office/industrial use, new interchanges at Interstate Route (I)5, as well as the proposed grade separations over UPR tracks. Major impacts of the project include traffic generation, air quality, and demands for public services. Mitigation measures will include widening existing roads, constructing freeway interchanges, and encouraging carpools and vanpools.

County 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 Environmental Impact Report (EIR), County approved

the project. On December 26, 1986, a Notice of Determination was filed with the Sacramento County Clerk which found that "The project will 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 EIR.

An existing grade crossing at UPR tracks and Elliott Ranch Road (Crossing 4-127.3), located approximately mid-way between the proposed overheads, will be closed and physically removed upon completion of the overhead structures and their opening to vehicular traffic.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is set forth as Appendix A.

The site of the proposed project has been inspected by the Commission's Traffic Engineering staff. The staff examined the need for and safety of the proposed project, and recommends issuance of an ex parte order authorizing construction of the proposed overheads and closure of the existing grade crossing at Elliott Ranch Road.

Notice of the application was published in the Commission's Daily Calendar on May 27, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct Elk Grove Boulevard and Laguna Boulevard at separated grades over UPR's main line tracks near Elk Grove, Sacramento County.

2. Upon completion of the overheads and their opening to vehicular traffic, the existing Elliott Ranch Road grade crossing will be closed and physically removed.

3. Construction of the Elk Grove Boulevard and Laguna Boulevard overheads is required to provide access to the proposed development.

4. Public convenience, necessity, and safety require construction of the Elk Grove Boulevard and Laguna Boulevard overheads.

5. County 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 EIR.

7. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

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 County of Sacramento (County) is authorized to construct Elk Grove Boulevard and Laguna Boulevard at separated grades over the tracks of Union Pacific Railroad Company's (UPR) main line near Elk Grove, Sacramento County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 4-126.8-A and 4-128.1-A, respectively.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Upon completion of the overheads and their opening to vehicular traffic, the existing Elliott Ranch Road grade crossing (Crossing 4-127.3), shall be closed and physically removed.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossings approved by UPR, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

7. This authorization shall expire if not exercised within three 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.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated OCT 14 1988, at San Francisco, California.

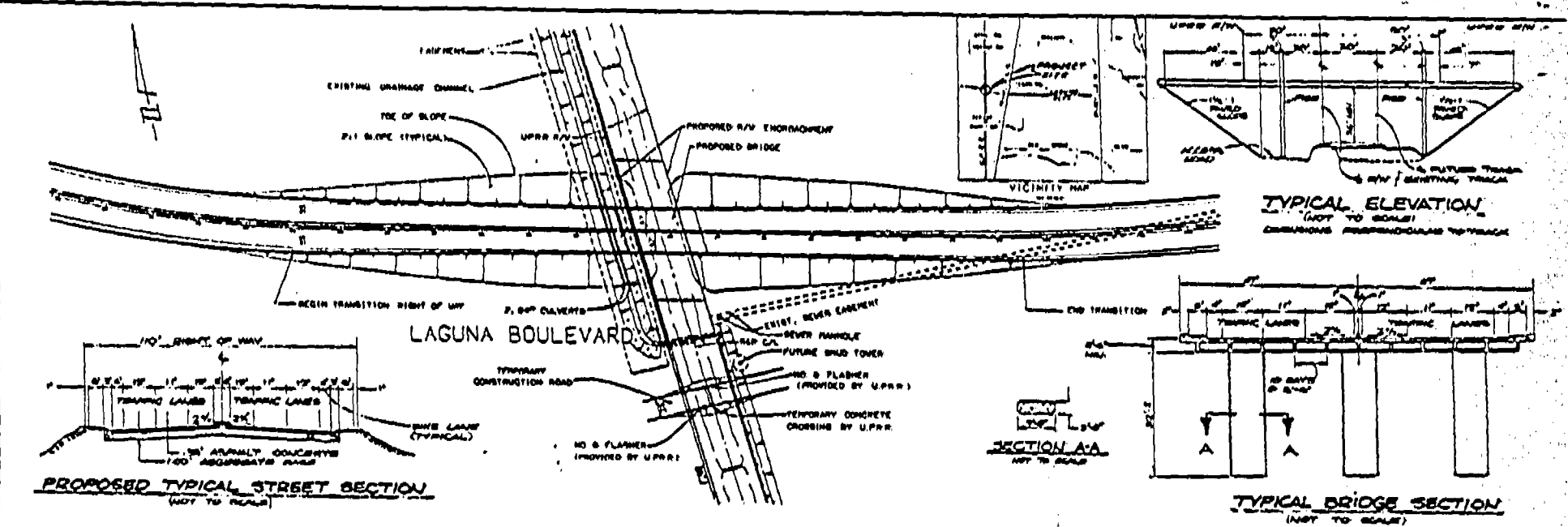
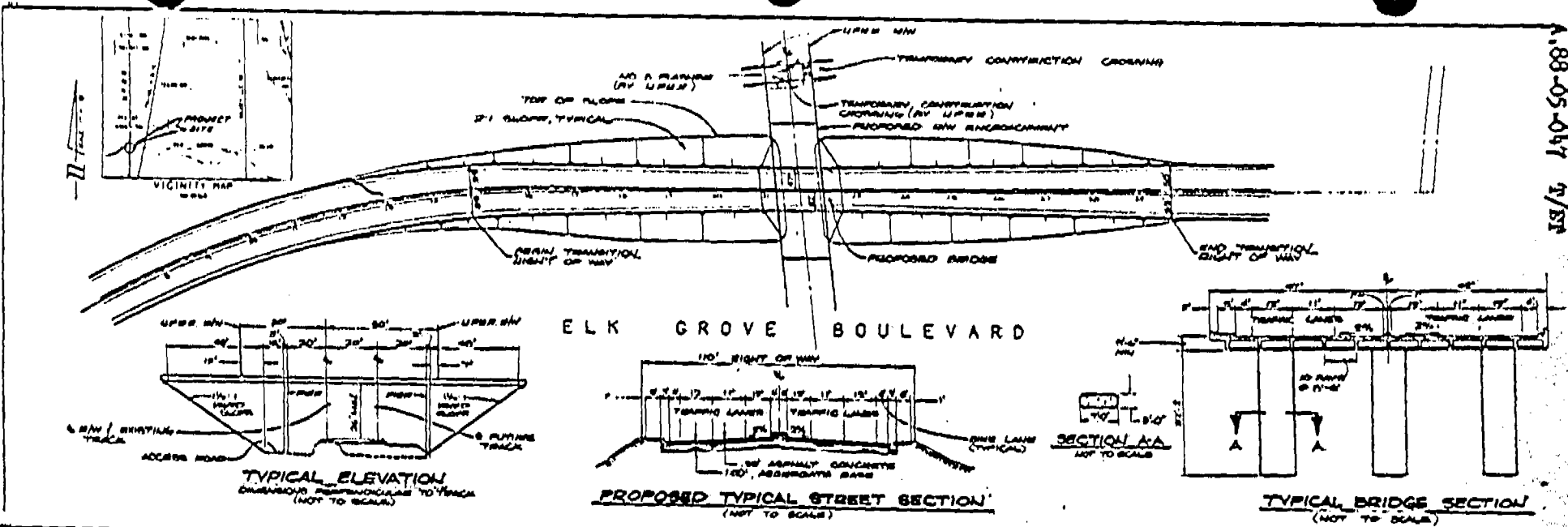
STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
C. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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

Victor Weiler
Victor Weiler, Executive Director

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APPENDIX A

O R D E R

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