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OCT. 17 1988

ORIGINAL

Decision 88 10 025 OCT 14 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Sacramento)
to remove an existing private grade)
crossing and construct a public grade)
crossing of the Southern Pacific)
Transportation Company Placerville)
Branch Tracks at M.P. 106.66. west of)
Nimbus.)

Application 88-06-023
(Filed June 16, 1988)

O P I N I O N

The County of Sacramento (County) requests authority to construct Bureaucrat Way at grade across Southern Pacific Transportation Company's (SPT) Placerville Branch Line near Folsom, Sacramento County.

The proposed grade crossing will provide public access to two parcels with approximately 9.4 total acres zoned industrial. Access to the parcels is presently provided by a private grade crossing which will be closed and physically removed upon completion of the proposed public crossing and its opening to vehicular traffic. The property is bounded on the north by Folsom Boulevard and the SPT tracks, on the west and south by vacant industrial property, and on the east by a 5.96 acre developed industrial site.

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 Initial Study, County issued a Negative Declaration and approved the project. On June 23, 1988, a Notice of Determination was filed with the Sacramento 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.

To improve the riding quality and durability of the crossing, County requests an exemption from General Order (GO) 72-B to permit installation of a rubber grade crossing surface, which crossing surface is not included within the standards of the Commission's GO 72-B. Since there appears to be ample justification for the installation of a rubber grade crossing surface in this instance, an exemption from GO 72-B to permit the installation will be granted.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to construction of a public highway across a railroad. Due to the few train movements and projected light vehicular traffic, a grade separation at this location is not practical. 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 rail crossing, and recommends issuance of an ex parte order authorizing the proposed crossing subject to the installation of automatic gate-type signals as protection, and closure of the existing private crossing which is located approximately 580 feet west of the proposed crossing.

Notice of the application was published in the Commission's Daily Calendar on June 21, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code (PU) Sections 1201-1205 to construct Bureaucrat Way at grade across the tracks of SPT's Placeville Branch Line near Folsom, Sacramento County.
2. The proposed grade crossing is required to provide public access to two industrially zoned parcels.
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 automatic gate-type signals (GO 75-C).
5. The public and the railroad will benefit from installation of a rubber grade crossing surface at the crossing.
6. Upon completion of the new grade crossing and its opening to vehicular traffic, the existing private crossing, which is located approximately 580 feet west of the proposed Bureaucrat Way crossing will be closed and physically removed.

7. County is the lead agency for this project under CEQA, as amended.

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

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

Conclusions of Law

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

2. An exemption from GO 72-B should be granted to permit installation of a rubber grade crossing surface at the crossing.

O R D E R

IT IS ORDERED that:

1. The County of Sacramento (County) is authorized to construct Bureaucrat Way at grade across the tracks of Southern Pacific Transportation Company's (SPT) Placerville Branch Line near Folsom, Sacramento County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing AH-106.66.

2. County is granted an exemption from GO 72-B to permit installation of a rubber grade crossing surface at the crossing.

3. Construction of the crossing shall be in accordance with the provisions of GO 72-B except that a rubber grade crossing surface shall be installed.

4. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

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

6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by County.

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

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

9. Upon completion of the new Bureaucrat Way grade crossing and its opening to vehicular traffic, the existing private crossing, which is located approximately 580 feet west of the new grade crossing, shall be closed and physically removed.

10. 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.

11. 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.

12. 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
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

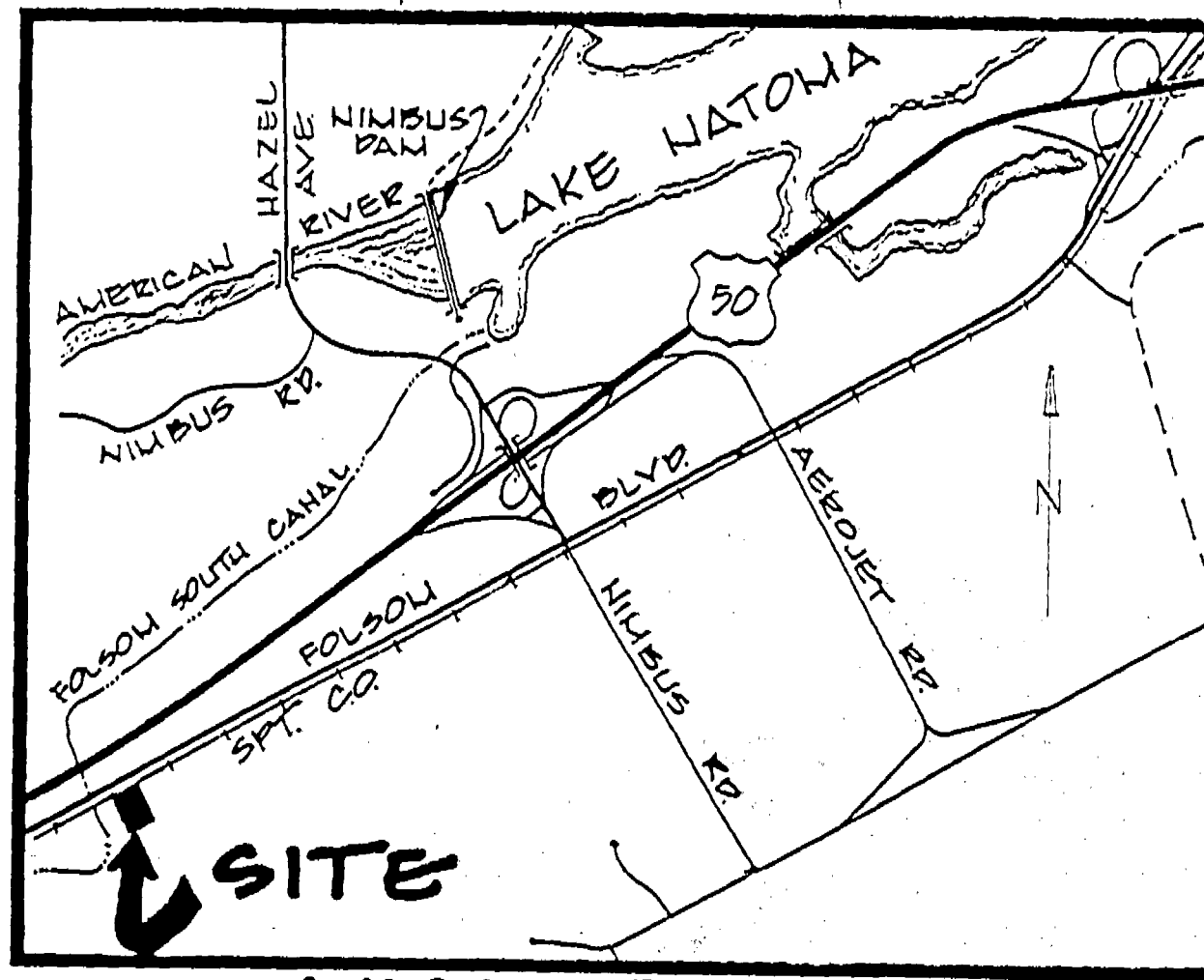
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weissert, Executive Director

js

APPENDIX A

A.88-06-023 T/ET



VICINITY MAP

NO SCALE