

Decision 88 11 014

NOV 9 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Sonoma,)
State of California, for permission)
to construct an at-grade crossing)
over the Northwestern Pacific)
Railroad Company's railroad tracks)
near Airport Blvd., in the County)
of Sonoma, State of California.)

Application 88-04-079
(Filed April 29, 1988)

O P I N I O N

As part of the project to develop the Airport Boulevard Business Park, the County of Sonoma (County) requests authority to construct Aviation Way at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line near Windsor, Sonoma County.

The proposed grade crossing will open the area north of Airport Boulevard for development and will provide access to the planned Airport Boulevard Business Park. A private crossing, located approximately 1000 feet south of the proposed Aviation Way grade crossing, will be eliminated upon completion of the proposed crossing. Appendix A is a sketch of the proposed crossing location.

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 March 16, 1988, 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 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.

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 1000 feet south of the proposed crossing.

Notice of the application was published in the Commission's Daily Calendar on May 3, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Aviation Way at grade across the tracks of NWP's main line near Windsor, Sonoma County.

2. The proposed grade crossing is required to provide access to the proposed Airport Boulevard Business 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 automatic gate-type signals (General Order (GO) 75-C).

5. Upon completion of the new grade crossing and its opening to vehicular traffic, the existing private crossing, which is located approximately 1000 feet south of the proposed Aviation Way crossing, will be closed and physically removed.

6. County 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 County of Sonoma (County) is authorized to construct Aviation Way at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line near Windsor, Sonoma County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 5-60.2.

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

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

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

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

6. 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.

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

8. Upon completion of the new Aviation Way grade crossing and its opening to vehicular traffic, the existing private crossing located approximately 1000 feet south of the new grade crossing, shall be closed and physically removed.

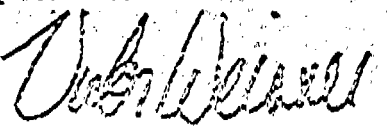
9. Within 30 days after completion of the work under this order, County shall notify the Commission in writing that the authorized work has been completed.

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 9 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 Weiss, Executive Director

AB

A. 88-04-079 T/ET

APPENDIX A

