

Decision 89 07 010

JUL 6 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
THE COUNTY OF SANTA CRUZ for)
authority to construct a County road)
at grade over and across and under-)
ground utilities and stormdrain under)
and across the Southern Pacific)
Transportation Company Track, Santa)
Cruz Branch-Watsonville Junction to)
Santa Cruz, in Aptos, County of Santa)
Cruz, State of California.)

Application 88-09-018
(Filed September 9, 1988)

In the matter of the Application of)
THE COUNTY OF SANTA CRUZ for)
authority to construct an emergency)
road, bicycle and pedestrian path at)
grade over and across and underground)
utilities under and across the)
Southern Pacific Transportation)
Company track, Santa Cruz Branch-)
Watsonville Junction to Santa Cruz,)
in Aptos, County of Santa Cruz, State)
of California.)

OPINION

The County of Santa Cruz (County) requests authority to construct Seascap Boulevard at grade across the tracks of Southern Pacific Transportation Company's (SPT) Santa Cruz Branch Line in the community of Aptos, Santa Cruz County.

County also proposes to construct an emergency road, bicycle and pedestrian path at grade near Via Soderini across SPT's tracks in Aptos, Santa Cruz County.

The proposed Seascap Boulevard crossing will extend Seascap Boulevard across SPT's tracks to provide access to Seascap Resort, a multi-use facility. The proposed construction will provide two lanes of travel in each direction.

The proposed crossing of an emergency road, bicycle and pedestrian path, to be located approximately 1,600 feet east of the proposed Seascape Boulevard crossing, will provide emergency access, a pedestrian and bicycle entrance to the Seascape Resort.

Use of the emergency road crossing by vehicles is to be barred by locked gates except during an emergency. Keys to the locks are to be under the control of only qualified emergency response personnel who have been trained in the provisions of the emergency response.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000, et seq. After preparation and review of an Environmental Impact Report (EIR), County approved the project. On August 27, 1987, a Notice of Determination was filed with the 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 EIR.

The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed project. The staff recommends that the two new crossings be approved subject to the installation of automatic gate-type signals at the Seascape Boulevard crossing and automatic flashing-light-type signals at the emergency road, bicycle and pedestrian path crossing.

Application 88-09-018 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 proposed crossings is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on September 14, 1988.

By motion filed November 15, 1988, SPT requested additional time of 90 days from the time of first notice

(October 25, 1988) within which to develop its position and notify the Commission accordingly. Said 90 day period terminated on January 23, 1989 and no protest has been filed. There are no other unresolved matters. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Seascape Boulevard at grade across the tracks of SPT's Santa Cruz Branch Line in Aptos, Santa Cruz County.
2. County also requests authority to construct an emergency road, bicycle and pedestrian path at grade near Via Soderini across SPT's tracks in Aptos, Santa Cruz County.
3. The proposed crossings are required to provide access to the Seascape Resort.
4. Public convenience and necessity require construction of the proposed grade crossings.
5. Public safety requires that warning devices at the Seascape Boulevard crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
6. Public safety requires that warning devices at the emergency road, pedestrian and bicycle crossing be two Standard No. 8 automatic flashing-light-type signals modified for use by pedestrians, bicyclists, and emergency vehicles (GO 75-C).
7. Use of the emergency road crossing is to be barred by locked gates except during an emergency. Keys to the locks are to be under the control of emergency response personnel.
8. County is the lead agency for this project under CEQA, as amended.
9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.
10. The project will have no significant effect on the environment.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. The County of Santa Cruz (County) is authorized to construct Seascap Boulevard at grade across the tracks of Southern Pacific Transportation Company's (SPT) Santa Cruz Branch Line in Aptos, Santa Cruz County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing EC-110.5.

2. County is also authorized to construct an emergency road, bicycle and pedestrian path at grade near Via Soderini across the tracks of SPT's Santa Cruz Branch Line in Aptos, Santa Cruz County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing EC-110.2-D.

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

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

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

6. Protection at the emergency road, bicycle and pedestrian path crossing near Via Soderini shall be two Standard No. 8 automatic flashing-light-type signals modified to replace Standard No. 1-R signs with signs similar to Standard No. 1-D (GO 75-C).

7. The signs similar to Standard No. 1-D of GO 75-C shall be modified to state that the crossing is for use by "Pedestrians, Bicyclists, and Emergency Vehicles only."

8. Use of the emergency road crossing is to be barred by locked gates except during an emergency. Keys to the locks are to be under the control of emergency response personnel.

9. Construction expense of the crossings and installation cost of the automatic protection shall be borne by County.

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

11. Construction plans of the crossings, 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.

12. 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.

13. 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.


14. This application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUL 6 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

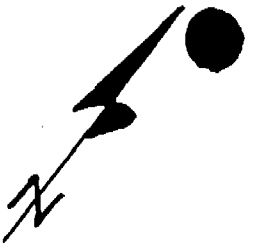
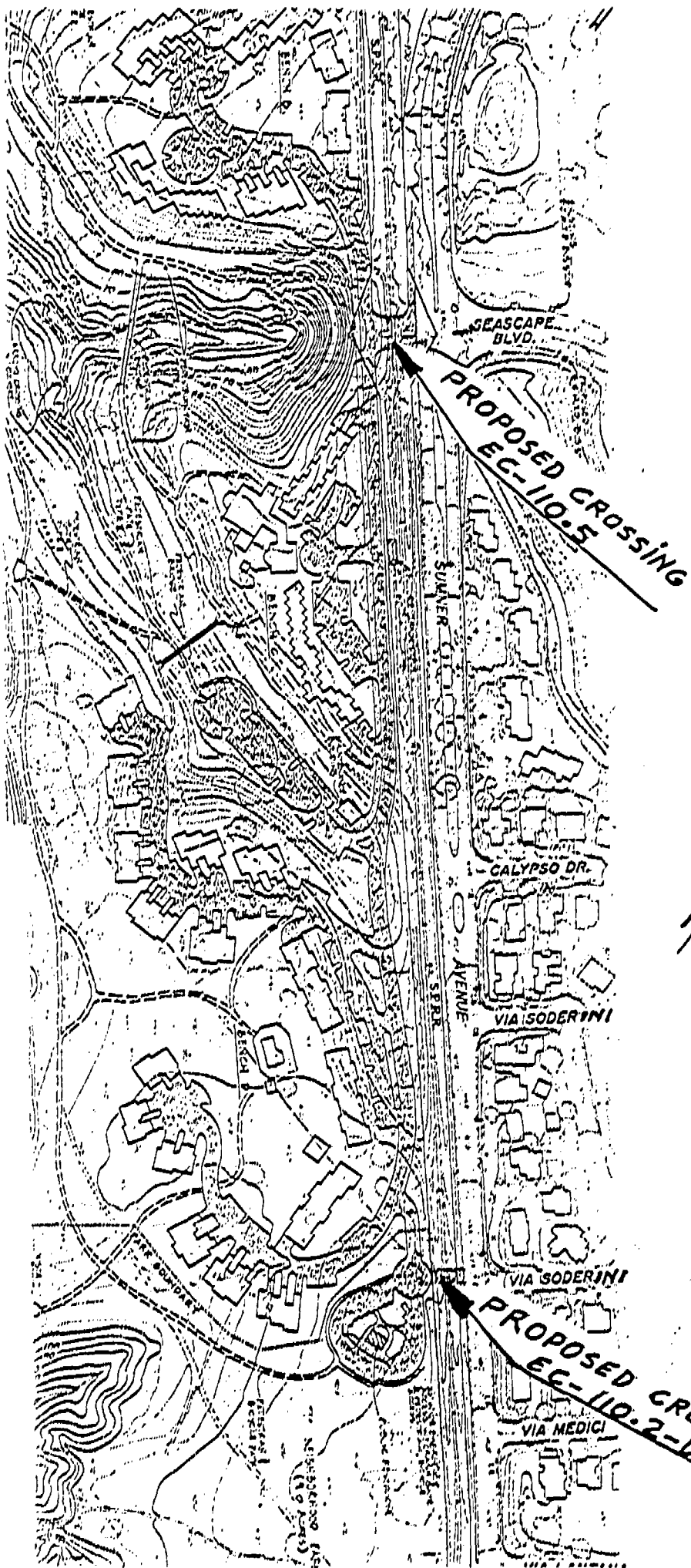
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weisser, Executive Director
PB

**THE NEXT
DOCUMENTS ARE
POOR ORIGINALS**

MICROFILMING SERVICES

*will not assume responsibility
for the image quality*

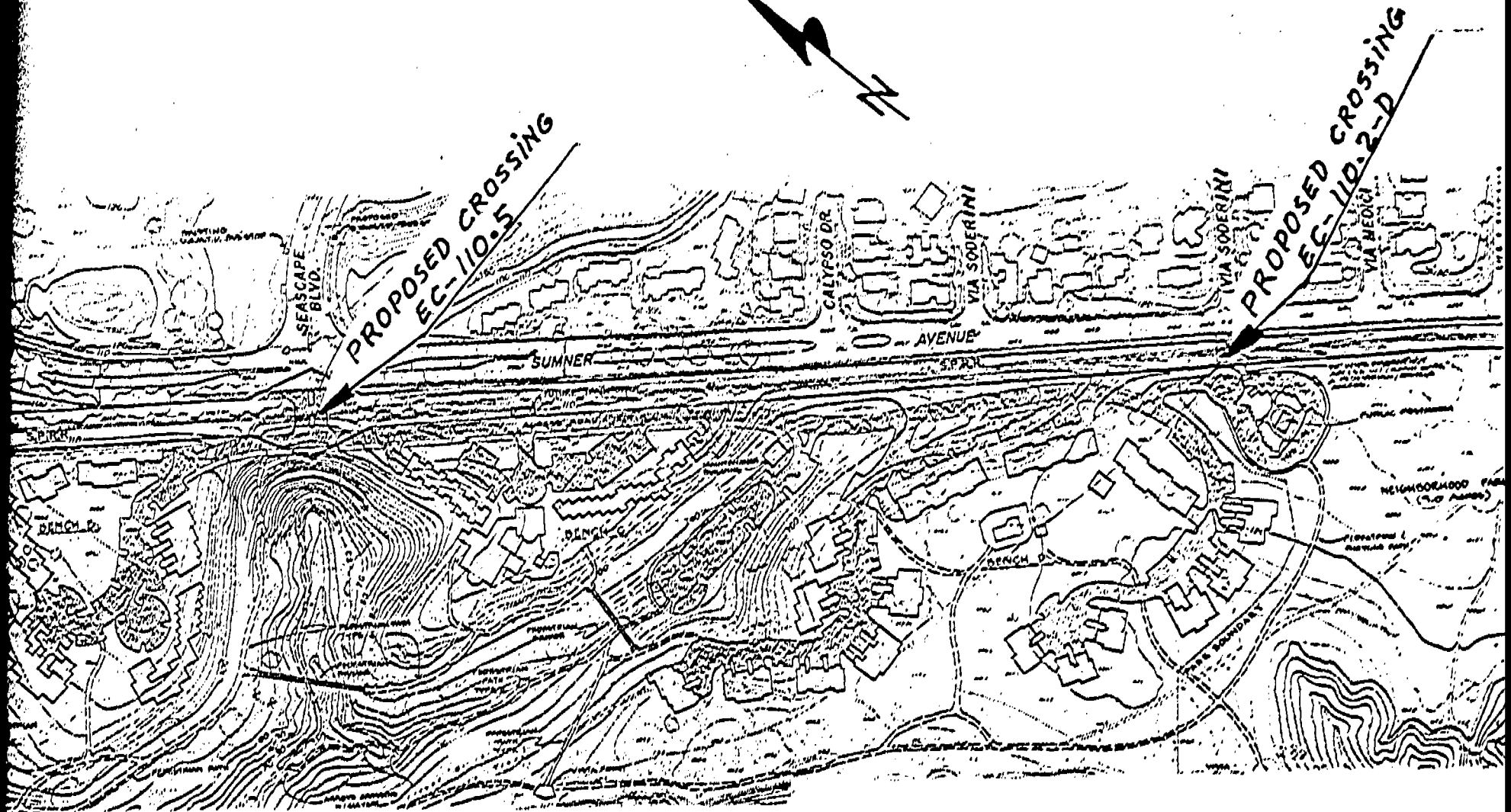


A. 88-09-018 S/ASC
 APPENDIX A

SEASCAPE RESORT
 DEVELOPMENT PLAN
 NO SCALE

CORRECTION

**THIS DOCUMENT HAS
BEEN REPHOTOGRAPHED
TO ASSURE
LEGIBILITY**



SEASCAPE RESORT
DEVELOPMENT PLAN
NO SCALE