

Decision 91 07 062 JUL 24 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Pittsburg to  
construct four Public Road grade crossings  
of the Southern Pacific Transportation  
Company Los Medanos Branch at California  
Avenue (East) and at the intersection of  
Loveridge Road and California Avenue  
(West). In addition, installation of  
automatic crossing protection at the  
intersection of California Avenue (West)  
and Loveridge Road in said City of  
Pittsburg, State of California.

ORIGINAL

) Application 90-08-017  
) (Filed August 6, 1990;  
) Amended January 28,  
) 1991)

OPINION

As part of the project to construct the Koll Retail Center, the City of Pittsburg (City) requests authority to construct Pace Road and modify two other existing crossings at grade across Southern Pacific Transportation Company's (SPT) spur tracks in Pittsburg, Contra Costa County, as set forth in Appendix A.

The application filed on August 6, 1990 also requested authority to construct another new street at grade across SPT's spur tracks providing a third new access road to the proposed Koll Retail Center. SPT filed a protest on November 13, 1990 objecting to a third new access road crossing. City filed an amended application on January 28, 1991 deleting the protested crossing.

The remaining crossings will provide access to the proposed Koll Retail Center, a commercial development including two major retail warehouses, four smaller stores, a fast food restaurant and a gas station.

Proposed Northpark Road will be the main entrance to the Koll Retail Center providing two inbound lanes and four outbound lanes. The proposed Pace Road crossing is located at the easterly

end of the development near the intersection of California Avenue (East) and will provide one traffic lane in each direction.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On August 30, 1990 a Notice of Determination was filed with the Contra Costa 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 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 sought authority be granted subject to installation of automatic gate-type signals.

Application 90-08-017 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 B.

#### Findings of Fact

1. Notice of the application was published in the Commission's Daily Calender on August 23, 1990. On November 13, 1990, SPT filed a motion protesting a third new access road crossing. City amended its application deleting the protested crossing. Notice of the amended application was published in the Commission's Daily Calendar on January 30, 1991. There are no other unresolved matters. A public hearing is not necessary.

2. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct and modify crossings of SPT's

spur tracks as set forth in Appendix A in Pittsburg, Contra Costa County.

3. The proposed crossings are required to provide access to the Koll Retail Center.

4. Public convenience and necessity require construction of the proposed crossing and modification of two existing crossings, as set forth in Appendix A.

5. Public safety requires that protection at the Loveridge Road crossing be five Standard No. 9 automatic gate-type signals (General Order (GO 75-C)), and that traffic signals to be installed at the Loveridge Road intersection be pre-empted by rail traffic. Public safety also requires that protection at the California Avenue (East) and Pace Road crossings be two Standard No. 9 automatic gate-type signals at each crossing.

6. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossings may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossings for a period not to exceed one year from the effective date of this order.

7. City 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 not have a 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 City of Pittsburg (City) is authorized to construct and modify crossings of Southern Pacific Transportation Company's (SPT) spur tracks at grade in Pittsburg, Contra Costa County, at the locations and substantially as shown by plans attached to the amended application.

2. Crossing identification and protection shall be governed as set forth in Appendix A.

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

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

5. Traffic Signals to be installed at the intersection of Loveridge Road and California Avenue (West) shall be pre-empted by rail traffic.

6. Until such time as the automatic protection is fully operative, not to exceed a period of one year from the effective date of this order, protection at the crossings may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossings unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent employee of the railroad, acting as a flagman. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

7. Written instructions shall be issued by SPT to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission's Safety Division within 30 days after the installation of the crossings. Suitable signs should be installed on both sides of the crossings calling the attention of trainmen to the flagging instructions.

8. Construction expense of the crossings and installation cost of the automatic protection shall be borne in accordance with an agreement to be entered into between City and SPT. Should the parties fail to agree, the Commission will apportion the costs by further order.

9. Maintenance of the crossings shall conform to GO 72-B.

10. Maintenance cost of the automatic protection at the Pace Road crossing shall be borne by City, and maintenance cost of the automatic protection at the Loveridge Road and California Avenue (East) crossings shall be shared equally by City and SPT 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's Safety Division prior to commencing construction.

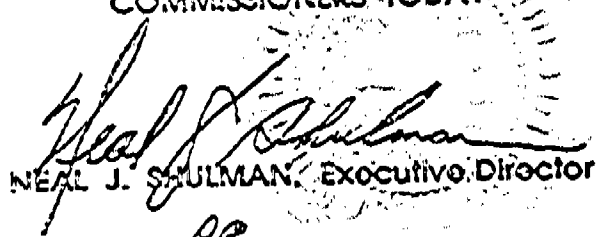
12. Within 30 days after completion of the work under this order, City shall notify the Commission's Safety Division in writing that the authorized work has been completed.

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. The application is granted as set forth above.  
This order becomes effective 30 days from today.  
Dated JUL 24 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director  
pd

APPENDIX A

As part of the project to construct the Koll Retail Center, the City of Pittsburg (City) proposes to construct and modify crossings at grade across Southern Pacific Transportation Company's (SPT) spur tracks as set forth below and as shown on plans attached to the amended application:

1. Construction of Pace Road at grade across SPT's tracks, to be identified as Crossing B-51.6-C. Protection is proposed to be two Standard No. 9 automatic gate-type signals (GO 75-C).
2. Modification of existing grade Crossing B-50.8-C, located at the intersection of Loveridge Road and California Avenue (West), by constructing Northpark Road, a fourth leg of the intersection. Proposed protection is five Standard No. 9 automatic gate-type signals in addition to the existing Standard No. 9-A gate-type signal with cantilever (GO 75-C).
3. Widening of the existing grade crossing at California Avenue (East), Crossing B-50.6-C, by adding shoulders. Protection is proposed to be two Standard No. 9 automatic gate-type signals (GO 75-C).

A. 90-08-017 5/ASC

APPENDIX B  
A. 90-08-017

