

S/ELB

Decision 91 07 065 JUL 24 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Marina for)
an order authorizing construction of)
an at grade crossing of the Southern)
Pacific Transportation Company's)
railroad track at Dianne Lane in the)
City of Marina, County of Monterey,)
State of California.)

ORIGINAL

Application 91-03-009
(Filed March 4, 1991)

OPINION

As part of a project to develop the Marina Green Business Park, the City of Marina (City) requests authority to construct Dianne Lane at grade across the tracks of Southern Pacific Transportation Company's (SPT) Monterey Branch Line in Marina, Monterey County.

The proposed crossing will serve a 12-acre area zoned for industrial development, and may also provide access to an additional 72-acre area planned for future industrial growth. Without the direct access to Del Monte Boulevard (a major north-south arterial) that the crossing will provide, it appears that the development is unfeasible because the alternative of routing heavy truck traffic through residential neighborhoods is unacceptable to the city residents.

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 June 28, 1989, a Notice of Determination was filed with the Monterey 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.

By petitions filed April 9 and April 12, 1991, SPT and the United Transportation Union (UTU), respectively, requested additional time to file a protest. Both requests were granted, but no protests have been filed within the time allowed.

The Commission's Safety Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends issuance of an ex parte order authorizing construction of the proposed grade crossing.

Application 91-03-009 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 crossing area is included as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 13, 1991.
2. By petitions filed April 9 and April 12, 1991, SPT and UTU, respectively, requested additional time with which to file a protest. The requests were granted by Examiner's Rulings for extensions of time to June 10 and May 28, 1991, respectively. No protests have been received.
3. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Dianne Lane at grade across the tracks of SPT's Monterey Branch Line in Marina, Monterey County.
4. The proposed crossing is required to provide access from an industrial development west of the tracks to a major north-south arterial road.
5. Public convenience and necessity require construction of the proposed railroad-highway crossing.

6. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order 75-C).

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 any significant impact on the environment.

Conclusions of Law

1. The application is uncontested, and a public hearing is not necessary.

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

ORDER

IT IS ORDERED that:

1. The City of Marina (City) is authorized to construct Dianne Lane at grade across the tracks of Southern Pacific Transportation Company's (SPT) Monterey Branch Line in Marina, Monterey County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing EE-116.0.

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

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

4. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

5. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

6. 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's Safety Division prior to commencing construction.

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

8. 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.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUL 24 1991, at San Francisco, California.

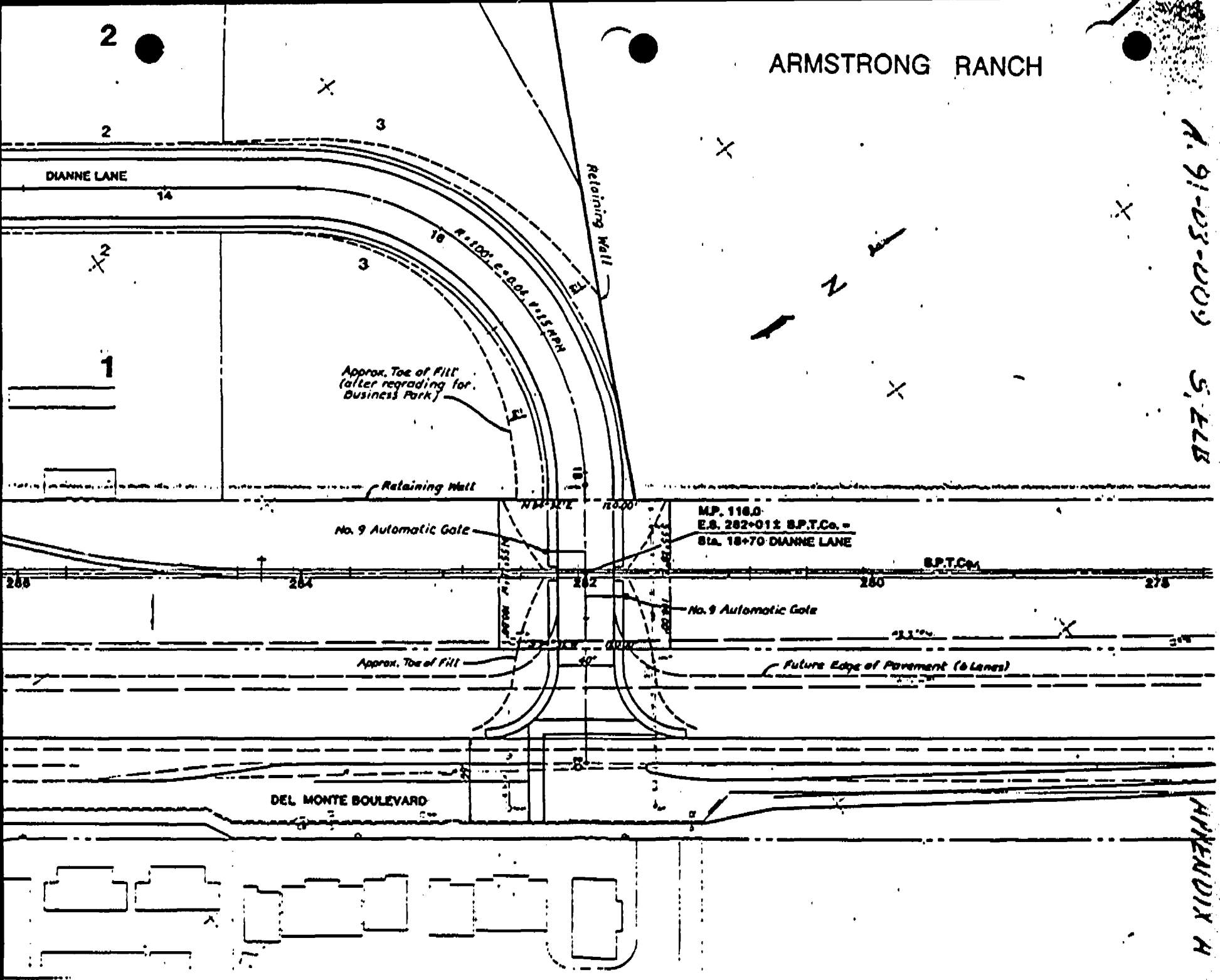
PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director

ARMSTRONG RANCH

A. 91-03-000 S. 42B



APPENDIX H