

S/RE/

Decision 92 03 039 MAR 11 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the City of Yuba City to construct a
City Street across the Right-of-
Way of the Union Pacific Railroad
at Stabler Lane in the City of
Yuba City.

ORIGINAL
Application 88-11-008
(Filed November 3, 1988)

O P I N I O N

As part of the Stabler Lane extension project, Yuba City requests authority to construct Stabler Lane at grade across Union Pacific Railroad Company's (UP) tracks in Yuba City, Sutter County.

The proposed crossing is located on the west side of Yuba City, very close to the new civic center, which includes offices for Yuba City, Sutter County, and California Highway Patrol. The surrounding terrain is flat. The project to construct the crossing and extend Stabler Lane will allow direct access from the civic center area north of the tracks to State Route 20 and points south. State Route 20 in turn gives access to points east and west.

Yuba City 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. The City prepared a Mitigated Negative Declaration and approved the project. Only minor impacts were identified, such as loss of commercial use of a small parcel of land and construction noise and dust. These are mitigated by the expected improved circulation of traffic to and from the civic center area. On July 3, 1990, 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 Mitigated Negative Declaration. The application 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 project vicinity is included as Appendix A.

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 crossing.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 9, 1988. UP filed a protest to the application on December 5, 1988, stating that the crossing would be adjacent to a switch and siding, and would interfere with railroad operations. Subsequent negotiations resulted in revisions to the adjacent trackage and agreement between the parties. By letter dated November 18, 1991 UP withdrew its protest.
2. Yuba City requests authority under Public Utilities Code Sections 1201-1205 to construct Stabler Lane at-grade across UP's tracks in Yuba City, Sutter County.
3. The crossing is an essential element of the Stabler Lane extension project, and is required to improve public access to the Yuba City civic center development.
4. Public convenience and necessity require construction of the Stabler Lane crossing.
5. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with cantilever lights (General Order (GO) 75-C).

6. Pending installation of the automatic protection, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

7. Yuba 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 have no 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.

3. Since City wishes to begin construction of the crossing at the earliest possible date, this order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Yuba City is authorized to construct Stabler Lane at grade across Union Pacific Railroad Company's (UP) tracks in Yuba City, Sutter County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 8-138.9.

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

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

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

5. For a period not to exceed two years from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing 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 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.

6. Written instructions shall be issued by the railroad 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 installation of the crossing. Suitable signs shall be installed on both sides of Stabler Lane calling the attention of trainmen to the flagging instructions.

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

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

9. Construction plans of the crossing, approved by UP, 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.

10. Within 30 days after completion of the work under this order, Yuba City shall advise the Commission's Safety Division 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.

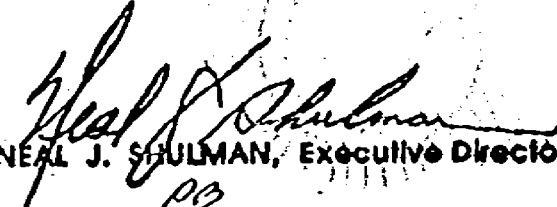
12. The application is granted as set forth above.

This order is effective today.

Dated MAR 11 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director
PB

