

S/ASC/CCM

Decision 92-09-049 September 2, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Tracy to )  
construct a public road grade )  
crossing of the Southern Pacific )  
Transportation Company's facilities )  
at MP # D71.22C and Mount Diablo )  
Avenue. Improvements include )  
installation of automatic crossing )  
protection and rubber grade )  
crossings at the proposed crossing )  
in said City of Tracy, State of )  
California. )

Application 91-04-036  
(Filed April 29, 1991)

O P I N I O N

As part of the project to develop the Tracy Residential Areas Specific Plan, the City of Tracy (City) requests authority to construct Mount Diablo Avenue at grade across Southern Pacific Transportation Company's (SPT) spur track (gravel pit spur) in Tracy, San Joaquin County.

The project involves residential development in the southeast portion of Tracy. The proposed crossing will complete the missing portion of Mount Diablo Avenue between MacArthur Drive and Central Avenue and provide an east-west collector roadway for traffic circulation in the area. City proposes to install a rubber grade crossing surface.

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. After preparation and review of an Environmental Impact Report (EIR), City approved the project. On February 13, 1990, a Notice of Determination was filed with the San Joaquin County Clerk which found that "The project will have a significant effect on the environment".

Adverse impacts of the project include reduction in wildlife habitats, generation of increased traffic, and increase in

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ambient noise levels. Mitigation measures include providing parkways as wildlife habitats, improvement of roadways incorporated in the specific plan, and landscaping and setbacks for noise insulation.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's BIR.

SPT filed a protest on May 30, 1991, objecting to the construction of any new crossing which increases the overall number of existing crossings. By letter dated December 18, 1991, SPT withdrew its protest.

Application 91-04-036 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 anticipated light vehicular traffic, a grade separation at this location is not practical. A sketch of the crossing is set forth in Appendix A.

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 rail crossing, and recommends issuance of an ex parte order authorizing the proposed crossing subject to the installation of automatic gate-type signals.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on May 2, 1991. A protest was filed by SPT on May 30, 1991, and was withdrawn on December 18, 1991. There are no other unresolved matters.

2. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Mount Diablo Avenue at grade across SPT's spur track in Tracy, San Joaquin County.

3. The proposed crossing is required to provide access to residential properties.

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4. Public convenience and necessity require construction of the proposed railroad-highway crossing.

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

6. Pending installation of the automatic gate-type signals, 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 for a period not to exceed two years 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 EIR.

9. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

Conclusions of Law

1. There are no unresolved protests, and a public hearing is not necessary.

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

O R D E R

IT IS ORDERED that:

1. The City of Tracy (City) is authorized to construct Mount Diablo Avenue at grade across Southern Pacific Transportation Company's (SPT) spur track in Tracy, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing D-71.2-C.

2. Construction of the crossing shall be in accordance with the provisions of General Order (GO) 72-B.

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

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

5. Until such time as the automatic protection is fully operative, or for a period of two years from the effective date of this order, whichever comes first, 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 fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. SPT shall issue written instructions to trainmen operating over the crossing, to comply with the flagging instructions specified above. SPT shall file a copy of these instructions with the Commission's Safety Division within 30 days after installation of the crossing. SPT shall install suitable signs on both sides of Mount Diablo Avenue calling to the attention of trainmen 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 SPT, together with a copy of the agreement entered into between the parties, shall be filed by City with the Commission's Safety Division prior to commencing construction.

10. 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.

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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 Executive Director shall serve a copy of this order on SPT, so that SPT is informed of the obligations herein imposed upon it.

13. The application is granted as set forth above.  
This order becomes effective 30 days from today.  
Dated SEP 2, 1992, at San Francisco, California.

DANIEL Wm. FESSLER

President

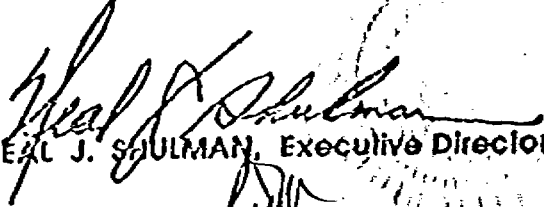
JOHN B. OHANIAN

NORMAN D. SHUMWAY

Commissioners

Commissioner Patricia M. Eckert,  
being necessarily absent, did not  
participate.

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

  
NEAL J. SHULMAN, Executive Director

