

T/ctb

**ORIGINAL**

Decision 82 01 85 JAN 19 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Vacaville to construct a public access across the Right of Way of the Southern Pacific Transportation Company north of Mason Street and east of Depot Street in the City of Vacaville area.

Application 60642  
(Filed June 11, 1981)

O P I N I O N

As part of a project to construct buildings for retail sales and warehousing, the City of Vacaville requests authority to construct an access road at grade across the tracks of Southern Pacific Transportation Company's (SPT) Winters Branch Line in Vacaville, Solano County.

The City of Vacaville 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 Initial Study, the City of Vacaville issued a Negative Declaration and approved the project. On September 15, 1980 a Notice of Determination was filed with the Solano County Clerk which found that there were no significant adverse environmental impacts.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project involves construction of parking areas and two buildings north of the tracks on a four-acre site for retail sales and warehouse purposes. The proposed crossing will be the only means of access to the development. Access from other directions is restricted by Ulatas Creek and nearby Route 80 freeway.

Applicant advises that the developer of the project has immediate need for access to the construction area and therefore requests that the usual 30-day effective date on an order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on June 15, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct an access road at grade across the tracks of SPT's Winters Branch Line in Vacaville, Solano County.

2. The proposed crossing is required to provide access to a retail sales and warehouse development.

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

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

5. Applicant is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusions of Law

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

2. The usual 30-day effective date on an order should be waived as the developer has immediate need for access to the construction area.

O R D E R

IT IS ORDERED that:

1. The City of Vacaville is authorized to construct an access road at grade across the tracks of Southern Pacific Transportation Company's (SPT) Winters Branch Line in Vacaville, Solano County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing AD-63.5.
2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.
4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (General Order 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by applicant.
6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under PU Code Section 1202.2.
7. 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 prior to commencing construction.
8. Within 30 days after completion, under this order, applicant shall advise the Commission in writing.

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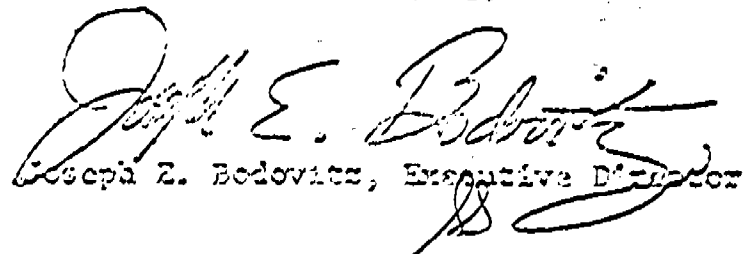
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated JAN 19 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph Z. Bedovatz, Executive Director