

Decision - 82 06 096 JUN 15 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of )  
Sacramento to construct a grade )  
crossing of the Southern Pacific )  
Transportation Company Placerville )  
Branch Tracks at M.P. 106.0. )

Application 61127  
(Filed December 11, 1981)

O P I N I O N

As part of the project to construct an indoor/outdoor recreation facility, the County of Sacramento (County) requests authority to construct Mine Shaft Road at grade across the tracks of Southern Pacific Transportation Company's (SPT) Placerville Branch Line in the community of Rancho Cordova, Sacramento County.

County 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, County issued a Negative Declaration and approved the project. On November 27, 1981, a Notice of Determination was filed with the Sacramento 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 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 will provide access to a presently land-locked 12-acre parcel for development of an Old West theme park - The Mine Shaft - which will contain indoor and outdoor recreation facilities. The parcel is located in a sparsely developed area in the eastern portion of Rancho Cordova and is presently zoned for industrial use. A use permit for the proposed development has been granted by County.

By motion filed January 20, 1982, SPT requested that it be permitted to late-file a protest to Application 61127. A copy of the protest was attached to the motion. SPT's motion to permit late-filing of its protest was granted by Examiner's Ruling dated February 5, 1982.

In its protest, SPT alleged that the proposed profile of the new crossing would be unsatisfactory, hazardous, and contrary to provisions of the Commission's General Order 72-B. SPT further alleged that, due to the proposed crossing width, two Standard No. 9-A signals should be required as warning devices rather than the two Standard No. 9 signals proposed by County. It was also alleged

by SPT that the crossing should be provided with a rubber crossing surface. In the opinion of SPT, the public and the railroad would benefit from the improved riding quality and durability of a rubber crossing surface.

By letter of February 25, 1982 to the Commission, County agreed to the conditions set forth in SPT's protest. Accordingly, SPT withdrew its protest by letter of April 19, 1982.

SS The rubber crossing surface, which County has agreed to provide, is not included within the Standards of the Commission's General Order 72-B. Since there appears to be ample justification for the installation of a rubber crossing surface, in this instance, an exemption from General Order 72-B to permit the installation will be granted.

The developers of The Mine Shaft hope to have the recreational facility in operation by late spring of 1982. It is therefore requested that the usual 30-day effective date on an order be waived, which we will do.

There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Mine Shaft Road at grade across the tracks of SPT's Placerville Branch Line in the community of Rancho Cordova, Sacramento County.

2. The proposed crossing is required to provide access to The Mine Shaft, an indoor/outdoor recreational facility.

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-A automatic gate-type signals with cantilevers (General Order 75-C).

5. The public and the railroad will benefit from installation of a rubber crossing surface.

6. County is the lead agency for this project under CEQA, as amended.

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

8. 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 public access to The Mine Shaft is needed by late spring of 1982.
3. An exemption from General Order 72-B should be granted to permit installation of a rubber crossing surface.

O R D E R

IT IS ORDERED that:

1. The County of Sacramento (County) is authorized to construct Mine Shaft Road at grade across the tracks of Southern Pacific Transportation Company's (SPT) Placerville Branch Line in the community of Rancho Cordova, Sacramento County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing AH-106.0.
2. County is granted an exemption from the provisions of General Order 72-B to permit installation of a rubber crossing surface.
3. Construction of the crossing shall be in accordance with the provisions of General Order 72-B except that a rubber crossing surface shall be installed.

4. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

5. Protection at the crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C).

6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by County.

7. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by County under PU Code Section 1202.2.

8. 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.

9. Within 30 days after completion, under this order, County shall advise the Commission in writing.

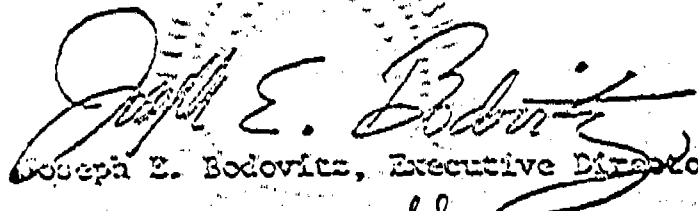
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated JUN 15 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director  
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