

Decision 82 09 033

SEP 22 1982

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of the CITY OF BENICIA, a )  
municipal corporation, re the )  
reconstruction and widening of )  
an existing Bridge on Lake )  
Herman Road across the property )  
of the SOUTHERN PACIFIC TRANS- )  
PORTATION COMPANY, a corporation, )  
at or near the City of Benicia, )  
County of Solano, State of )  
California. )

Application 82-06-02  
(Filed June 1, 1982)

O P I N I O N

As part of the project for development of Fleetside Industrial Park, the City of Benicia (City) requests authority to construct Lake Herman Road at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Sacramento Main Line in Benicia, Solano County.

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 June 25, 1981, a Notice of Determination was filed with the Solano County Clerk which found that "The project will 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 EIR. The site of the proposed project has been inspected by the Commission staff.

The project site is a 186-acre parcel located in the northernmost section of the Benicia Industrial Park within City. The site is bounded on the east and west by SPT's tracks, on the north by Lake Herman Road, and on the south by warehouses and light industrial facilities in the developed area of the industrial park. The project will include rail-served warehouses, light manufacturing and office facilities.

Lake Herman Road will provide access to the project site from an existing Interstate Route 680 interchange. The proposed overpass will replace an existing private one-lane overcrossing of SPT's tracks.

Major impacts of the project include loss of native vegetation, wildlife habitats, and wetland areas, noise generation, and increased energy consumption. Mitigation measures include creation of new wetland areas, construction of noise barriers, and the use of energy-efficient building techniques.

Notice of the application was published in the Commission's Daily Calendar on June 3, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Lake Herman Road at separated grades over the tracks of SPT's Sacramento Main Line in Benicia, Solano County.

2. Construction of the proposed overpass is required to provide access to the Fleetside Industrial Park.

3. Public convenience, necessity, and safety require construction of the proposed overpass.

4. City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final EIR.

6. The project will have a significant impact on the environment; however, the proposed mitigation measures will either ✓ eliminate or reduce the severity of the adverse impacts.

Conclusion of Law

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 Benicia (City) is authorized to construct Lake Herman Road at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) Sacramento Main Line in Benicia, Solano County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing A-37.2-A.

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

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

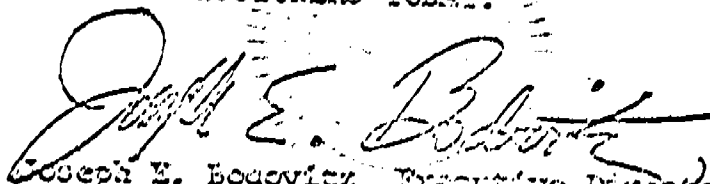
This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated SEP 22 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 E. Bodovitz, Executive Director