

T/AA/SR/WPSC

Decision 83 04 079 APR 20 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of the County of Sutter to)
 construct a county road across)
 the right-of-way of the Sacramento)
 Northern Railway Division of the)
 Western Pacific Railroad Company.)

Application 83-02-09
 (Filed February 3, 1983)

O P I N I O N

As part of the project to develop the Tierra Buena Area, the County of Sutter (County) requests authority to construct Royo-Ranchero Road at grade across the tracks of Sacramento Northern Railway's (SN) Tarke Branch Line near Yuba City, Sutter 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 Environmental Impact Report (EIR), County approved the project. On December 28, 1982, a Notice of Determination was filed with the Sutter County Clerk which found that "The project will have a significant effect on the environment." However, no significant impacts were found to be specifically associated with the proposed grade crossing.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

The project involves development of residential, commercial and industrial areas in a two and one-third square mile area of unincorporated land located west of Yuba City and known as Tierra Buena. Royo-Ranchero Road will provide access between Butte House Road to the north and State Route 20 to the south.

Major impacts involve increases in traffic, utility service needs and air pollution, and loss of agricultural lands. Mitigation measures include provisions for additional public utility services, preparation of a surface water disposal plan, and strict zoning to assure effective sewage disposal.

County states that it wishes to commence construction of the crossing at the earliest possible date. It is, therefore, requested that the usual 30-day waiting period on an order be waived. We will make our order effective immediately.

Notice of the application was published in the Commission's Daily Calendar on February 7, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct Royo-Ranchero Road at grade across the tracks of SN's Tarke Branch Line near Yuba City, Sutter County.

2. The proposed crossing is required to provide circulation to various parcels of land in the Tierra Buena community.

3. Public convenience and necessity require construction of the proposed branch line crossing.

4. In consideration of the minimal train speed and volume, the requirements for public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and two stop signs.

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

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

7. The Tierra Buena Area development project will have a significant effect on the environment; however, the mitigation measures that have been or will be adopted by the County will either eliminate or reduce the severity of the adverse impacts to acceptable levels.

8. The EIR identifies no significant environmental impact that will be caused by construction of this grade crossing.

Conclusions of Law

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

2. This order should be effective today as County wishes to commence construction of the crossing at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The County of Sutter (County) is authorized to construct Royo-Ranchero Road at grade across the tracks of Sacramento Northern Railway's (SN) Tarke Branch Line near Yuba City, Sutter County, at the location and substantially as shown on the plans attached to the application, to be identified as Crossing 8C-1.0.

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. 1-R crossing signs (General Order 75-C) and two stop signs.

5. Construction expense of the crossing and installation cost of the signs shall be borne by County.

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the signs shall be borne by County.

7. Construction plans of the crossing, approved by SN, 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 of the work under this order, County shall notify the Commission in writing of the completion of the work authorized.

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 APR 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

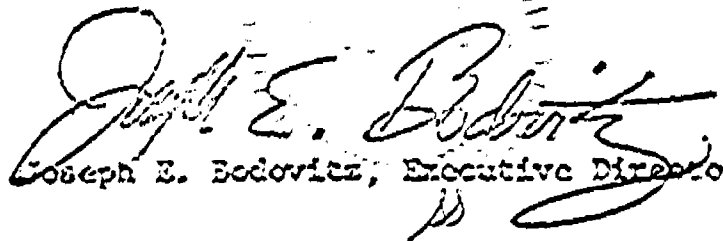
VICTOR CALVO

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Commissioners

Commissioner Priscilla C. Grew, being
necessarily absent, did not participate
in the disposition of this proceeding.

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


Joseph E. Bodovitz, Executive Director