

ORIGINAL

Decision 83 95 024 MAY 4 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Pinole, )  
a municipal corporation, Pinole, )  
California, for an order autho- )  
rizing a pedestrian at-grade )  
crossing of Southern Pacific )  
Railroad at the Foot of Tennent )  
Avenue, Pinole, California. )

Application 82-10-48  
(Filed October 20, 1982;  
amended January 20, 1983)

O P I N I O N

The City of Pinole (City) requests authority to convert a private road to a public street at grade across the tracks of Southern Pacific Transportation Company's (SPT) Sacramento Main Line in Pinole, Contra Costa 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 Initial Study, City issued a Negative Declaration and approved the project. On October 4, 1982, a Notice of Determination was filed with the Contra Costa 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 is located near San Pablo Bay at the foot of Tennent Avenue. An existing private crossing serves the Pinole Wastewater Treatment Plant located west of the tracks. It is proposed to widen the crossing from 20 to 32 feet to provide public access to the bay shoreline for recreational purposes.

Notice of the application and amendment were published in the Commission's Daily Calendar on October 22, 1982 and January 25, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to convert a private road to a public street at grade across the tracks of the SPT's Sacramento Main Line in Pinole, Contra Costa County.

2. The crossing is required to provide public access to the San Pablo Bay shoreline.

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. City 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.

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 Pinole (City) is authorized to convert a private road to a public street at grade across the tracks of Southern Pacific Transportation Company's (SPT) Sacramento Main Line in Pinole, Contra Costa County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing A-23.0.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

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

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

6. 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.

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 of the work under this order, City shall notify the Commission in writing of the completion of the work authorized.

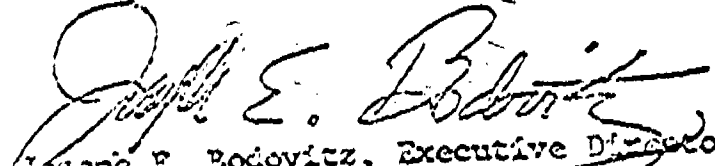
9. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 4 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director