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JUL 31 1979

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
THE WESTERN PACIFIC RAILROAD COMPANY }
for authority to construct a drill }
track at grade over and across Pell }
Drive within the City of Sacramento, }
County of Sacramento, State of }
California. }

Application No. 58835
(Filed May 1, 1979)

O P I N I O N

As part of the Norwood Industrial Park Development, The Western Pacific Railroad Company requests authority to construct a drill track at grade across Pell Drive in the City of Sacramento, Sacramento County.

The City of Sacramento is the lead agency for the Norwood Industrial Park Development Project pursuant to the Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the City of Sacramento approved the project. On October 16, 1974, 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 Environmental Impact Report. The site of the proposed project has also been inspected by the Commission staff.

The industrial park area contains 58 acres of undeveloped land. It is bounded on the south by Interstate 880 Bypass Freeway, on the north by undeveloped land also zoned for industrial use, on the west by The Western Pacific Railroad Company's main line tracks and a drainage canal, and on the east by a sparsely developed residential area. Four warehouse buildings are either completed or under construction and the street system is completed within the industrial park.

A distributor is currently operating one of the warehouses in the vicinity of the proposed crossing and has immediate need for rail

service. Applicant, therefore, requests that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on May 3, 1979. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct a drill track at grade across Pell Drive in the City of Sacramento, Sacramento County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-143.8-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be two Standard No. 8-A flashing light signals with cantilevers (General Order 75-C).
5. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered, both sides, on reflectorized white background. No on-rail vehicle should operate over the crossing unless it is first brought to a stop and traffic on the roadway protected by a member of the train crew, or other competent employee of the railroad, acting as a flagman. The flagman should place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.
6. Written instructions should be issued by the railroad to trainmen operating over the crossing to comply with the flagging instructions. A copy of the instructions should be filed with the Commission within thirty days after installation of the crossing. Suitable signs should be installed on both sides of Pell Drive, calling the attention of trainmen to the flagging instructions. Flagging procedures outlined in Finding 5 should remain in full force until the

required automatic protection is installed and operative.

7. Installation and maintenance costs of the automatic protection should be borne by the applicant.

8. Construction cost of the crossing should be borne by the applicant. Maintenance of the crossing should be in accordance with General Order 72-B.

9. A distributor who is currently operating one of the warehouses in the vicinity of the proposed crossing has immediate need for rail service and, therefore, the usual thirty-day waiting period should be waived.

10. The City of Sacramento is the lead agency for the Norwood Industrial Park Development Project pursuant to the California Environmental Quality Act of 1970, as amended.

11. The Commission is a responsible agency and has independently evaluated and assessed the lead agency's Environmental Impact Report.

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

C O N C L U S I O N

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The Western Pacific Railroad Company is authorized to construct a drill track at grade across Pell Drive in the City of Sacramento, Sacramento County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

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.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st
day of JULY, 1979.

John E. Byrne
President

Virginia L. Stinson

Charles D. Church

Charles T. Adams

Lawrence J. Green
Commissioners