

SD

Decision No. 90689

AUG 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of San Rafael, Marin County, California, for Railroad Grade Crossings over the Northwestern Pacific Company's railroad in the City of San Rafael

Application No. 58672
(Filed February 14, 1979)

O P I N I O N

The City of San Rafael requests authority to construct Irwin Street and West Francisco Boulevard at grade across Northwestern Pacific Railroad Company's tracks in the City of San Rafael, Marin County.

The City of San Rafael is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study, the City of San Rafael issued a Negative Declaration and approved this project. On July 10, 1979, a Notice of Determination was filed with the Marin County Clerk with the finding that the project "Will Not have a significant effect upon 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 also been inspected by the Commission staff.

Access from downtown San Rafael to businesses on West Francisco Boulevard is limited to a circuitous route which requires use of several heavily traveled streets. This project will reduce traffic congestion and improve circulation for both business and residential interests. The project is adjacent to Route 101 freeway and is in an area used for commercial and light industrial purposes. The proposed extension of West Francisco Boulevard will replace a roadway which was closed due to the widening of Route 101 in the mid 1960's.

Notice of the application was published in the Commission's Daily Calendar on February 15, 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 Irwin Street and West Francisco Boulevard at grade across the tracks of Northwestern Pacific Railroad Company in the City of San Rafael, Marin County, at the locations and substantially as shown by the plans attached to the application, to be identified as Crossings 5-16.7 and 5-16.8, respectively.
2. Construction of the crossings 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 Irwin Street Crossing, Crossing 5-16.7, should be two Standard No. 9A and one Standard No. 9 automatic gate-type signals (General Order 75-C). Protection at the West Francisco Boulevard Crossing, Crossing 5-16.8, should be two Standard No. 9 automatic gate-type signals.
5. Construction expense of the crossings and installation cost of the automatic protection should be borne by the applicant.
6. Maintenance of the crossings should conform to General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
7. Construction plans of the crossings, approved by the Northwestern Pacific Railroad Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.
8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
9. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
10. This 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 City of San Rafael is authorized to construct Irwin Street and West Francisco Boulevard at grade across the tracks of Northwestern Pacific Railroad Company in the City of San Rafael, Marin 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.

The effective date of this order shall be thirty days after the date hereof.

Dated AUG 14 1979 , at San Francisco, California.

John E. Byron
President
Herman L. Sturgeon

Richard D. Gravelle
Richard M. Gravelle
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.