

Decision No. 90858 SEP 25 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, Department of Transportation, on behalf of the City of Sacramento, for orders authorizing the construction of a new crossing at grade for a bikeway over the tracks of the Western Pacific Railroad Company's main line track at approximate Railroad Milepost 140.7 and bikeway station 341+08+ and for construction of a new crossing at grade for a bikeway over the Western Pacific Railroad Company's minor spur track west of main line Railroad Mile Post 139.78 and at bikeway station 340+20 in the City of Sacramento, County of Sacramento.

Application No. 58801
 (Filed April 19, 1979;
 amended April 19, 1979
 and July 17, 1979)

INTERIM ORDER

The State of California, Department of Transportation, requests authority, on behalf and for the City and County of Sacramento and incident to the Department's authority in Streets and Highways Code section 2548, to construct a bicycle facility in relation to the tracks of the Southern Pacific Transportation Company and The Western Pacific Railway Company in the City of Sacramento, Sacramento County, as follows:

1. At grade across Western Pacific's main line track at approximate railroad Milepost 140.7.
2. At grade across Western Pacific's minor spur track at approximate railroad Milepost 139.78.
3. At separated grades under the Southern Pacific Transportation Company's main line tracks and three yard tracks at approximate railroad Milepost 89.9.
4. At grade across Southern Pacific's two drill tracks 150 feet and 230 feet, respectively, north of Southern Pacific's main line tracks at approximate railroad Milepost 89.9.

The bicycle facility will extend from near 16th and B Streets in the City of Sacramento to M Street in Rio Linda, Sacramento County. The Department is mandated by the California Legislature to acquire the property for this project in accordance

with Streets and Highways Code Sections 2540 and 2548, and Section 3 of Chapter 1130 of the Statutes of 1976.

The City of Sacramento is the lead agency for construction of the bicycle facility 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 Sacramento issued a Negative Declaration and approved the project. On October 26, 1977, 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 Initial Study and Negative Declaration. The site of the proposed project has also been inspected by the Commission staff.

Notice of the original application and amendments were published in the Commission's Daily Calendar on April 13, 1979, April 20, 1979, and July 19, 1979, respectively.

One protest has been received on this application as amended. The Western Pacific Railroad Company protests the proposed at grade crossing of its main line track at approximate railroad Milepost 140.7. No other protest to any other part of the project has been received.

The Commission is advised that the Southern Pacific Transportation Company does not oppose the construction of the project in respect to its tracks, and The Western Pacific Railroad Company does not oppose the construction of the project in relation to its minor spur track. A public hearing is not necessary on these requests in the application.

The Commission has also been advised that the Department, City and County, The Western Pacific Railroad Company, and the Commission staff are in negotiations concerning the main line crossing of Western Pacific. Under the described circumstances, the City of Sacramento should be authorized to construct all proposed crossings except the crossing of Western Pacific's main line with issues concerning this crossing to be decided by further order of the Commission.

The Commission is further advised that the City of Sacramento has, on or about September 5, 1979, awarded contracts for the work to be authorized by this Interim Order. This was necessary in order to preserve the bids received by the City for the projects, which bids in turn had to be made earlier by the City in order to protect certain State funding sources for this project. Applicants, therefore, request that the usual thirty-day waiting period be waived.

Findings of Fact

After consideration, the Commission finds:

1. The City of Sacramento should be authorized to construct a bicycle and pedestrian crossing at grade across Western Pacific's minor spur track at approximate railroad Milepost 139.78; at separated grades under the Southern Pacific Transportation Company's main line tracks and three yard tracks at approximate railroad Milepost 89.9; and at grade across Southern Pacific's two drill tracks 150 feet and 230 feet, respectively, north of Southern Pacific's main line tracks, also at approximate railroad Milepost 89.9.
2. Construction of the crossing at grade across the main line tracks of The Western Pacific Railroad is now the subject of negotiations between the parties. Issues concerning the proposed crossing of Western Pacific's main line should be decided by further order of the Commission.
3. Construction and maintenance costs of the crossing at separated grades under the tracks of the Southern Pacific should be borne in accordance with agreements to be entered into between the parties. The City of Sacramento has agreed to advance all such costs pending such agreements.
4. Costs of constructing the proposed at-grade crossings and installation cost of the protection devices authorized by this Interim Order should be borne in accordance with agreements to be entered into between the parties involved. The City of Sacramento has agreed to advance the costs of constructing the at-grade crossings and installing the protection devices. Maintenance of the crossings should be in accordance with General Order 72-B.

5. The City of Sacramento has awarded contracts for construction of the crossings herein authorized, and work on the project must commence at the earliest possible date; therefore, the usual thirty-day waiting period should be waived.

6. The City of Sacramento is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

8. This project will have no significant impact on the environment.

Conclusion of Law

On the basis of the foregoing findings, we conclude that, with the exception of the proposed crossing of Western Pacific's main line track, the application, as amended, should be granted as set forth in the following Order:

IT IS ORDERED that:

1. The City of Sacramento is authorized to construct the following crossings in the City of Sacramento, Sacramento County, at the locations and substantially in accordance with the plans attached to the application, as amended:

(a) At grade across Western Pacific's minor spur track, to be identified as Crossing 4-139.8-DC.

(b) At separated grades under the Southern Pacific Transportation Company's main line tracks and three yard tracks, to be identified as Crossing A-89.9-BD.

(c) At grade across Southern Pacific's two drill tracks approximately 150 feet and 230 feet, respectively, north of Southern Pacific's main line tracks, to be identified as Crossing A-89.91-DC.

2. Construction of the three grade crossings herein authorized 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. Construction and maintenance costs of the underpass shall be borne in accordance with an agreement to be entered into between the parties relative thereto. Since the City of Sacramento has agreed to advance all costs of construction of said underpass, and Southern Pacific Transportation Company has agreed with the plans for said crossing, the City may commence construction prior to the agreement being filed with this Commission. A copy of the agreement, together with plans of the undercrossing approved by the Southern Pacific Transportation Company, shall be filed with the Commission within fifteen days after commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance of the undercrossing by further order.

5. Construction costs for the at-grade crossings herein authorized, together with installation expense of the crossing protection devices, shall be borne in accordance with agreements to be entered into between the parties relative thereto.

6. Maintenance of the at-grade crossings shall be in accordance with General Order 72-B.

7. Protection to be installed at each of the three at-grade crossings herein authorized shall be two Standard No. 1-D pedestrian railroad grade crossing signs (General Order 75-C). Lettering at the bottom of each sign shall be modified to read "BICYCLES AND PEDESTRIANS ONLY," in 1½ inch high letters, rather than "PEDESTRIANS ONLY."

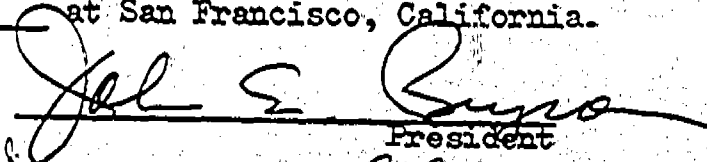
8. Within 30 days after the completion of each of the crossings herein authorized, the City of Sacramento shall so advise the Commission in writing.

9. Issues concerning the proposed crossing of Western Pacific's main line shall be decided by further order of the Commission.


This authorization shall expire within two years unless time be extended or if the above conditions are not complied with.

The effective date of this order is the date hereof.

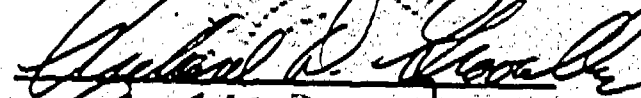
Dated SEP 25 1979 at San Francisco, California.




President



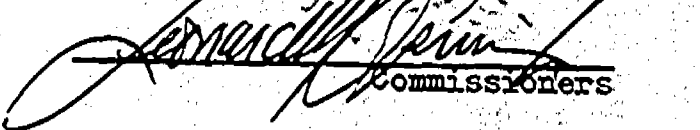
Commissioner



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