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**ORIGINAL**

Decision 93397 AUG 4 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Yolo, a Political Subdivision of the State of California for an order authorizing the construction of Grade Crossing across (sic) tracks of the Western Pacific Railroad Company (Track Nos. 90140-092 & -406) and Seaport Boulevard in the County of Yolo.

Application 60308  
(Filed March 2, 1981)

O P I N I O N

As part of the project for expansion of the West Sacramento Port Center, the County of Yolo requests authority to construct Seaport Boulevard at grade across Sacramento Northern Railway's (SN) (a wholly owned subsidiary of The Western Pacific Railroad Company) spur tracks in Yolo County.

The County of Yolo 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, the County of Yolo approved the project. On September 7, 1979, a Notice of Determination was filed with the Yolo County Clerk which found that "The project will 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 Final Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The project site is located in the westerly portion of the unincorporated community of West Sacramento. Approximately 650 acres, formerly farmland, are being subdivided for industrial use.

Major adverse impacts include degradation of air quality resulting from industrial processes, possible nearby traffic congestion, and increased demand on existing utilities, such as water, sewer, and power. Mitigation measures include implementing new technology in controlling industrial emissions and funding by developers for expansion of utility facilities.

Notice of the application was published in the Commission's Daily Calendar on March 5, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Seaport Boulevard at grade across SN's spur tracks in Yolo County.
2. The proposed crossing is required to provide access to parcels of land located east of the spur tracks.
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. 8-A automatic flashing-light signals with cantilevers (General Order 75-C).
5. Pending installation of the automatic signals, the requirements for public safety at the crossing may be met by installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of the crossing.
6. Applicant is the lead agency for this project under CEQA, as amended.
7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report.
8. The project will have a significant effect on the environment; however, the proposed mitigation measures will either eliminate or reduce the severity of the adverse impacts.

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 County of Yolo is authorized to construct Seaport Boulevard at grade across Sacramento Northern Railway's (SN) spur tracks in Yolo County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing No. 8-91.47-C.
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. 8-A automatic flashing-light signals with cantilevers (General Order 75-C).
5. For a period not to exceed one year from date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C). No on-rail vehicle shall operate over the crossing unless it is first brought to a stop and traffic on the roadway protected by a member of the crew, or other competent employee of the railroad, acting as a flagman. The flagman shall 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 shall be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Seaport Boulevard, calling the attention of trainmen to the flagging instructions.

The flagging procedures shall remain in full force until the required automatic protection is installed and operative.

7. Construction expense of the crossing and installation cost of the automatic protection shall be borne by applicant.

8. Maintenance of the crossing shall be in accordance with General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under PU Code Section 1202.2.

9. 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.

10. Within 30 days after completion, under this order, applicant shall 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.

This order becomes effective 30 days from today.

Dated           AUG 4 1981          , at San Francisco, California.

          J. E. Cayo            
President  
          Richard D. George            
          Lawrence J. Jensen            
          Victor Calvo            
          P. M. C. Lee            
Commissioners