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Decision 93768

NOV 13 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,  
 Department of Transportation for an  
 order authorizing the construction of  
 a grade crossing and the installation  
 of railroad warning devices at the  
 crossing of the North Frontage Road  
 and the spur track of the Central  
 Contra Costa Sanitary District, inter-  
 section of North Frontage Road Station  
 FL221+50 and Railroad Mile Post 1168.0  
 near Concord and Martinez in Contra  
 Costa County.

Application 60256  
 (Filed February 10, 1981;  
 amended April 17, 1981)

O P I N I O N

As part of the State Route 4 freeway project between Pacheco Boulevard and East Port Chicago Highway, the State of California, Department of Transportation, requests authority to construct the "North Frontage Road" at grade across a spur track owned by the Central Contra Costa Sanitary District (CCCSD) and operated over by The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Contra Costa County.

Applicant 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 California Highway Commission approved the project. On June 20, 1974 a Notice of Determination was filed with the Secretary for Resources which found that "The project will 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 Final Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

Construction of the freeway project will increase capacity, improve safety, and decrease congestion. Major environmental impacts include residential and business relocations, noise level increases, and visual impacts resulting from the high cut and fill slopes necessary in the easterly portion of the project. Mitigation measures include relocation assistance, noise abatement, slope rounding, and planting of native vegetation.

Both AT&SF and CCCSD have filed protests to the application. However, after a series of meetings and the filing of an amendment by applicant on April 17, 1981, both parties withdrew their protests.

There are no unresolved protests to the application. A public hearing is not necessary.

Applicant is anxious to avoid further delay in opening the "North Frontage Road" to vehicular traffic as the roadway has been completed. It is therefore requested that the usual 30-day effective date on an order be waived, which we will do.

Findings of Fact

1. Applicant requests authority under Public Utilities Code Sections 1201-1205 to construct the "North Frontage Road" at grade across a spur track owned by CCCSD and operated over by AT&SF near Concord and Martinez, Contra Costa County.
2. The proposed crossing is required to provide access to areas adjacent to and north of State Route 4.
3. Public convenience and necessity require construction of the proposed railroad-highway crossing.
4. Public safety requires that protection at the crossing be one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilever (General Order 75-C).

5. Applicant 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 Final Environmental Impact Report.

7. 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.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived in order to avoid further delay in opening the completed "North Frontage Road."

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation is authorized to construct the "North Frontage Road" at grade across a spur track owned by the Central Contra Costa County Sanitary District and operated over by The Atchison, Topeka and Santa Fe Railway Company near Concord and Martinez, Contra Costa County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-1168.0-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 one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilever (General Order 75-C).

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

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by The Atchison, Topeka and Santa Fe Railway Company, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of maintenance by further order.

7. Within 30 days after completion, under this order, applicant shall advise the Commission in writing.

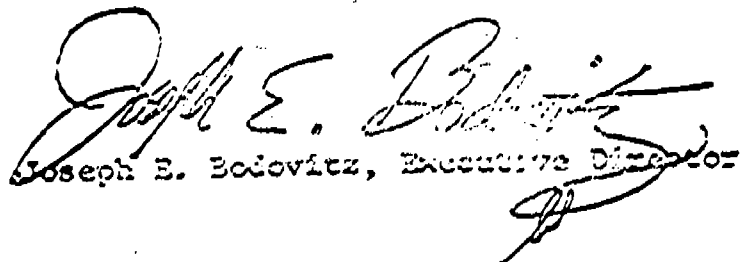
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. CRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director