

Decision 93827 DEC - 1 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Sacramento)
for authority to construct two grade)
crossings over joint Southern Pacific)
Transportation Company and Western)
Pacific Company trackage in said City)
of Sacramento, State of California .

Application 60376
(Filed March 20, 1981)

C O N C L U S I O N

As part of the project for development of Johnston Industrial Park Unit No. 4, the City of Sacramento requests authority to construct two crossings of Lathrop Way at grade across tracks operated jointly by Southern Pacific Transportation Company (SPT) and Western Pacific Railroad Company (WP) in Sacramento, Sacramento County.

The City of Sacramento 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 Initial Study, the City of Sacramento issued a Negative Declaration and approved the project. On February 20, 1981, 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 been inspected by the Commission staff.

The project is located just north of Sacramento's central district, adjacent to State Route 160, and between the main line tracks of SPT and WP. A portion of the industrial park is already developed and being used for commercial warehousing and industrial activities. Rail service is presently being provided in the developed section of the industrial park.

By motion filed May 22, 1981, SPT requested that it be permitted to late-file a protest to Application 60376. A copy of the protest was attached to the motion. SPT's motion to permit late-filing of its protest was granted by Examiner's Ruling dated June 1, 1981.

In its protest, SPT alleged that the two Standard No. 1-R crossing signs proposed by applicant as protection at each crossing would create a serious safety problem. In the opinion of SPT, two Standard No. 8-A automatic flashing light signals with cantilevers are required as protection at each crossing to meet the needs of public safety.

By letter of July 21, 1981 to the Commission, applicant agreed to the crossing protection proposed by SPT. By letter of July 28, 1981, WF stated that it had no objection to the crossing protection proposed by SPT. Accordingly, SPT withdrew its protest by letter of October 9, 1981.

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

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct two crossings of Lathrop Way at grade across tracks operated jointly by SPT and WF in Sacramento, Sacramento County.
2. The proposed crossings are required to provide improved traffic circulation in Johnston Industrial Park Unit No. 4.
3. Public convenience and necessity require construction of the proposed railroad-highway crossings.
4. Public safety requires that protection at each crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers (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 Initial Study and Negative Declaration.

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

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 City of Sacramento is authorized to construct two crossings of Lathrop Way at grade across tracks operated jointly by Southern Pacific Transportation Company (SPT) and Western Pacific Railroad Company (WP) in Sacramento, Sacramento County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 4-140.79-C and 4-141.12-C.
2. Construction of the crossings 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 each crossing shall be two Standard No. 2-A automatic flashing-light signals with cantilevers (General Order 75-C).
5. Construction expense of the crossings and installation cost of the automatic protection shall be borne by applicant.
6. Maintenance of the crossings shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under FC Code Section 1202.2.
7. Construction plans of the crossings, approved by SPT and WP, together with a copy of the agreement entered into among the parties, shall be filed with the Commission prior to commencing construction.

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

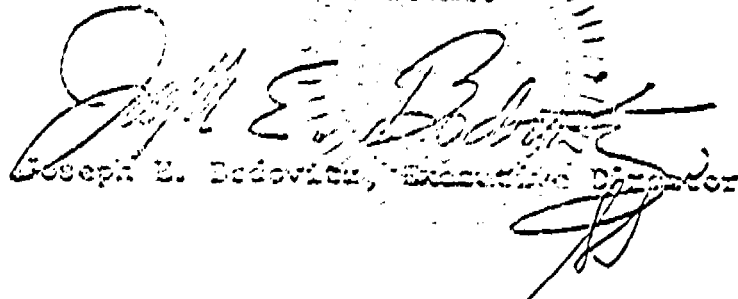
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated DEC 1 1981, at San Francisco, California.

JOHN E. BRISON
President
EDWARD D. GRAVELLE
LEONARD M. CRIMES, JR.
ANTONIO GALVO
KRISTINA C. CREW
Commissioners

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


Joseph E. Bedovitch, Executive Director