

ORIGINAL

Decision 93878 DEC 15 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of)
 Vallejo, a municipal corporation)
 of the State of California, for)
 permission to construct an)
 at-grade crossing over the)
 Southern Pacific Transportation)
 Company's railroad tracks at the)
 Maryland Street Extension, near)
 Solano Avenue, in the City of)
 Vallejo, County of Solano, State)
 of California.)

Application 60553
(Filed May 15, 1981)

O P I N I O N

As part of the Maryland Street Extension Project to connect Interstate Route 780 at Lemon Street to the Vallejo downtown waterfront area, the City of Vallejo requests authority to construct Maryland Street at grade across the tracks of Southern Pacific Transportation Company's (SPT) Vallejo Branch Line in Vallejo, Solano 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 (EIR), applicant approved the project. On April 22, 1981, a Notice of Determination was filed with the Solano 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 final EIR. The site of the proposed project has been inspected by the Commission staff.

The extension of Maryland Street will provide improved vehicular access from the terminus of Interstate Route 780 to downtown Vallejo and to proposed industrial development near the waterfront. Congestion on existing city streets will therefore be alleviated. Land uses in the vicinity of the project include residential, industrial, and park lands.

Applicant states that it intends to award a contract for the Maryland Street Extension Project on November 23, 1981 and would like construction work to start as soon as possible. It is therefore requested that the usual 30-day effective date on an order be waived, which we will do.

By motion filed July 1, 1981, SPT requested that it be permitted to late-file its protest to Application 60553. A copy of the protest was attached to the motion. SPT's motion to late-file its protest was granted by Examiner's Ruling dated July 17, 1981.

In its protest, SPT alleged that the proposed new crossing is not necessary in view of the large number of existing crossings in the area. In the opinion of SPT, the proposed new crossing would place an undue and unwarranted burden upon its property and interstate commerce.

By letters of July 24 and August 28, 1981, applicant agreed to closure of the adjacent Springs Road crossing (Crossing AAB-67.3) upon opening of the Maryland Street crossing and to closure of the Solano Avenue crossing (Crossing AAB-67.9) by July 1, 1986. In consideration of applicant's agreement to close the existing Springs Road and Solano Avenue crossings, SPT withdrew its protest to Application 60553 by letter of October 30, 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 Maryland Street at grade across the tracks of SPT's Vallejo Branch Line in Vallejo, Solano County.
2. The proposed crossing is required as part of a project to improve vehicular access between Interstate Routes 80/780 and downtown Vallejo.

3. The City of Vallejo has agreed to closure of Springs Road Crossing AAB-67.3 upon opening of the Maryland Street crossing, and to closure of Solano Avenue Crossing AAB-67.9 on or before July 1, 1986.

4. Public convenience and necessity require construction of the proposed railroad highway crossing.

5. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C).

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 EIR.

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

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 as applicant intends to award a contract for the project on November 23, 1981, and would like construction work to start as soon as possible.

O R D E R

IT IS ORDERED that:

1. The City of Vallejo is authorized to construct Maryland Street at grade across the tracks of Southern Pacific Transportation Company's (SPT) Vallejo Branch Line in Vallejo, Solano County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing AAB-68.0.

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. 9-A automatic gate-type signals with cantilevers (General Order 75-C).

5. Upon completion of the Maryland Street crossing and its opening to vehicular traffic, the existing Springs Road crossing, Crossing AAB-67.3, shall be closed and physically removed.

6. On or before July 1, 1986, the existing Solano Avenue crossing, Crossing AAB-67.9, shall be closed and physically removed.

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

8. Maintenance of the crossing shall conform to 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 SPT, 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.

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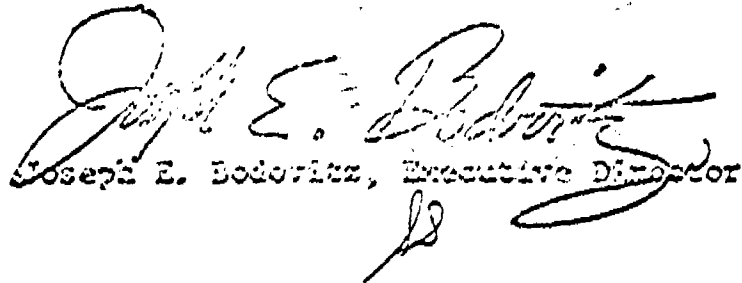
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated DEC 15 1981, at San Francisco, California.

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

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


Joseph E. Bodoritz, Executive Director