

S&E/ARO

Decision 95-07-039 July 19, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the EAST BAY REGIONAL PARK)
DISTRICT for an Order authorizing a) Application 94-11-007
pedestrian-bikeway crossing at Grade at) (Filed November 3, 1994)
Eckley, Carquinez Strait Regional)
Shoreline (near Crockett), at the tracks)
of the Southern Pacific Transportation)
Company. [PUC No. A-30.0D])

ORIGINAL

O P I N I O N

As part of the Land Use Development Plan (project) for the Carquinez Strait Regional Shoreline, the East Bay Regional Park District (EBRPD) requests authority to construct a public pedestrian/bicycle crossing (crossing project) at grade across the Southern Pacific Transportation Company's (SPT) main line tracks in Contra Costa County.

The purpose of the project is to form one whole park from the ridge and shoreline landscapes of five (5) separate park units within the project area. This integration would provide a single park land that provides water-related activities, park recreation, open space, historic structures, etc. to the bay area. The crossing project is proposed to provide shoreline access for park users.

EBRPD 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), EBRPD approved the project. On November 18, 1993, a Notice of Determination was filed with the Contra Costa County Clerk which states that "the project will not have a significant effect on the environment."

The Commission is a responsible agency for the crossing project under CEQA and has reviewed the lead agency's EIR.

The site of the proposed crossing project has been inspected by the Safety and Enforcement Division's Traffic Engineering staff. The staff examined the need for and safety of the proposed crossing and recommends issuance of an ex-parte order authorizing construction of the proposed at-grade crossing.

Application 94-11-007 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38 which relates to the construction of a public road, highway, or street across a railroad. A sketch of the crossing project area is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 8, 1994. No protests have been received.
2. EBRPD requests authority, under Public Utilities Code Sections 1201-1205, to construct a public pedestrian/bicycle crossing at grade across the main line tracks of SPT in Contra Costa County.
3. EBRPD is the lead agency for this project under CEQA, as amended.
4. Public convenience, necessity, and safety require construction of the pedestrian/bicycle crossing.
5. Public safety requires that protection at the crossing be two (2) Standard No. 10 flashing light-type signals, modified to provide two flashing light assemblies similar to those used for Standard No. 8 flashing light signals (General Order 75-C).
6. The Commission is a responsible agency for the crossing project and has reviewed the lead agency's EIR.
7. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

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

O R D E R

IT IS ORDERED that:

1. The East Bay Regional Park District (EBRPD) is authorized to construct the pedestrian/bicycle crossing at grade across the Southern Pacific Transportation Company's (SPT) main line tracks in Contra Costa County at the location and substantially as shown on the plans attached to the application and Appendix A of this order, to be identified as Crossing No. A-30.0-D.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Protection at the crossing shall be two (2) Standard No. 10 automatic flashing light signals, modified to provide two flashing light assemblies similar to those used on Standard No. 8 flashing light signals (GO 75-C).

5. Construction of the crossing shall be equal or superior to the Standard No. 1 as specified in GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

6. Construction plans of the proposed crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed by EBRPD with the Commission's Safety and Enforcement Division prior to commencing construction.

7. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed with the Commission's Safety and Enforcement Division prior to commencing

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construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

8. Within thirty (30) days after completion of the work under this order, BBRPD shall advise the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two (2) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. The application is granted as set forth above.

This order becomes effective thirty (30) days from today.

Dated JULY 19 1995 at San Francisco, California.

DANIEL Wm. FESSLER
President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

Commissioners

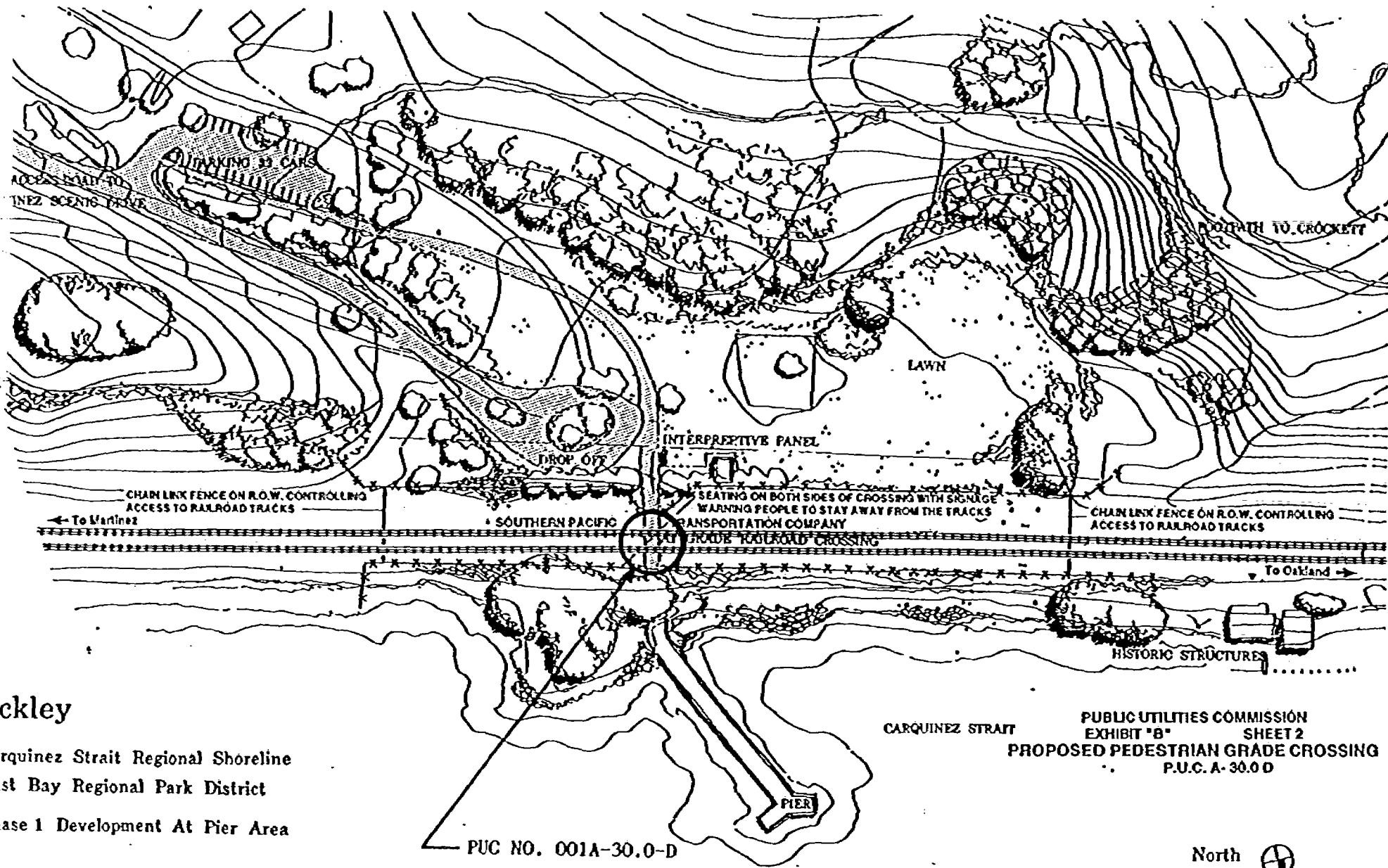
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY

Wesley Franklin

Acting Executive Director

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S&E/ARO



Sausalito
 Carquinez Strait Regional Shoreline
 Sausalito Bay Regional Park District
 Phase 1 Development At Pier Area

PUC NO. 001A-30.0-D

CARQUINEZ STRAIT
 PUBLIC UTILITIES COMMISSION
 EXHIBIT "B" SHEET 2
 PROPOSED PEDESTRIAN GRADE CROSSING
 P.U.C. A-30.0 D

North 

Revised May 9, 1995

APPENDIX A