

**ORIGINAL**

Decision 97-02-005 February 5, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Watsonville )	
to construct one grade crossing of the )	
Southern Pacific Transportation )	Application 95-11-053
Company Line, at Errington Road in )	(Filed November 6, 1995)
said City of Watsonville, State of )	
California. )	
_____ )	

O P I N I O N

As part of the Landmark residential and industrial project, the City of Watsonville (City), requests authority to improve and make public an existing crossing of Errington Road at grade across the tracks of Southern Pacific Transportation Company (SP) in Watsonville, Santa Cruz County.

Application 85-06-054 was filed in June 1985 for a similar project at this location. Although Decision 85-11-040 was issued granting authority to improve the crossing, the City never constructed the project, and the authorization expired December 6, 1987.

Currently, Errington Road becomes a private gravel road (serving agricultural lands) just before the tracks. The project to extend Errington Road across the tracks will provide access to a major new housing and industrial development.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Mitigated Negative Declaration and approved the project. On April 29, 1996, a Notice of Determination was filed with the Office of Planning and Research which found that "The project will not have a significant

effect on the environment," and "Mitigation measures were made a condition of the approval of the project."

Major negative impacts include conversion of agricultural land and growth inducement; mitigation measures include erosion control measures and road design to accommodate agricultural equipment.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Mitigated Negative Declaration.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to constructing a public highway across a railroad. A sketch of the crossing area is included as Appendix A.

The Commission's Rail Safety and Carriers Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on December 1, 1995. No protests have been filed.

2. City requests authority under Public Utilities Code Sections 1201-1205 to establish Errington Road at grade across SP's tracks in Watsonville, Santa Cruz County.

3. Extending Errington Road is an essential element of the Landmark Project and is required to provide access to the new housing and industrial development.

4. Public convenience, necessity, and safety require establishment of the Errington Road crossing.

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Mitigated Negative Declaration.

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 City of Watsonville (City), is authorized to establish Errington Road as a public roadway at grade across spur tracks of Southern Pacific Transportation Company (SP) in Watsonville, Santa Cruz County, at the location and substantially as shown by plans attached to the Application, to be identified as Crossing EC-102.6.

2. Construction of the crossings shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.

3. Clearances shall be in accordance with GO 26-D.

4. Walkways shall conform to GO 118.

5. Protection at Crossing EC-102.6 shall be two Standard No. 9-A gate type signals with cantilever lights (GO 75-C).

6. Construction and maintenance costs 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 crossings approved by SP shall be filed with the Commission's Rail Safety and Carriers Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within two 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.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated FEB 5, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A

