

Mailed: 9/9/97

Decision 97-09-037 September 3, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of
Contra Costa to relocate one
at-grade crossing of the Atchison,
Topeka and Santa Fe Railway Company
Oakley Road (PUC Crossing No.
2-1146.0) to Rose Avenue in said
County of Contra Costa, State of
California. Construction will occur
in the year of 1997-98.

ORIGINAL

Application 97-04-047
(Filed April 23, 1997)

O P I N I O N

The County of Contra Costa (County) requests authority to extend Rose Avenue north of State Route 4 at-grade across the tracks of the Burlington Northern and Santa Fe (Santa Fe), formerly the Atchison, Topeka and Santa Fe Railway Company, in said County near the community of Oakley.

The proposed crossing (002-1145.2) will provide primarily truck access delivering liquid chlorine and other hazardous materials to the Diablo Water District, Ironhouse Sanitary District and Contra Costa Water District with some school buses and occasional public traffic to the East Bay Regional Park District facilities.

Presently, the school buses and public traffic use a residential subdivision for access. Because the subdivision does not allow truck traffic, Ironhouse Sanitary District uses the Oakley Road crossing (002-1146.0). The Oakley Crossing has two Standard No. 1-R crossbucks and an approximate crossing angle of 20 degrees. Diablo Water District and Contra Costa Water District use a private Canal crossing (Federal DOT No. 029656G), which has two Standard No. 1-C private crossing signs. As part of this project, the Oakley Road Crossing and the private Canal crossing will be closed.

As proposed, Rose Avenue will be extended north of Highway 4 and cross over the railroad tracks serving Santa Fe freight trains as well as Amtrak passenger trains. The proposed crossing design specifies a 30 foot wide roadway, two lanes of travel, two mainline track, approximate crossing angle of 90 degrees, and two Standard No. 9 automatic gate-type signals (one on each approach). The crossing will be situated approximately 150 feet north of the Rose Avenue/Highway 4 vehicular intersection. The intersection will be a two way stop on Rose Avenue. When the intersection becomes signalized, the traffic signals will be interconnected with the railroad crossing warning system to preempt vehicular movements by train movements.

Ironhouse Sanitary District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), Public Resource code Sections 21000, et. seq. After preparation and review of an Initial Study, Ironhouse Sanitary District issued a Negative Declaration and approved the project. On December 3, 1996, Ironhouse Sanitary District filed a Notice of Determination with the County Clerk of Contra Costa which stated 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 reviewed and considered the lead agency's Negative Declaration and Notice of Determination.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division Traffic Engineering staff. The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 97-04-047 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38 which relates to the construction of a public highway across a railroad. A sketch of the project area and crossing design are set forth as Appendix A and B, respectively.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 25, 1997. No protests have been filed.
2. County requests authority, under Public Utilities Code Section 1201-1205, to extend Rose Avenue at grade across the tracks of Santa Fe, in said County near the community of Oakley.
3. Ironhouse Sanitary District is the lead agency for this project under CEQA.
4. Public convenience, necessity, and safety require the construction of the Rose Avenue crossing (002-1145.2).
5. Public safety requires that warning devices at the crossing be two (2) Standard No. 9 automatic gate-type signals in accordance with General Order 75-C.
6. As part of this project, the existing crossings at Oakley Road (002-1146.0) and the private Canal Crossing (Federal DOT No. 029656G) will be closed and physically removed.
7. The Commission is the responsible agency for this project and has reviewed and considered the lead agency's Negative Declaration and Notice of Determination.

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.

ORDER

IT IS ORDERED that:

1. The County of Contra Costa (County) is authorized to construct Rose Avenue north of State Route 4 at grade across the tracks of the Burlington Northern and Santa Fe Railway (Santa Fe),

formerly the Atchison, Topeka and Santa Fe Railway, in said County at the location and substantially as shown on the plans attached to the application, to be identified as Crossing No. 002-1145.2.

2. Warning devices at the crossing shall consist of two (2) Standard No. 9 automatic gate-type signals as specified in General Order (GO) No. 75-C.

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

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

5. 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.

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 shall be filed by County with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Final construction plans, approved by Santa Fe, shall be filed by County with the Commission's Rail Safety and Carriers Division prior to commencing construction.

8. Upon completion of the Rose Avenue at grade crossing and its subsequent opening to vehicular traffic, the grade crossings at Oakley Road (002-1146.0) and the private Canal crossing (Federal DOT No. 029656G) will be closed and physically removed.

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

10. 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.

11. The application is granted as set forth above.

12. Application 97-04-047 is closed.

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

Dated SEPT 3, 1997, at San Francisco, California.

P. GREGORY CONLÓN

President

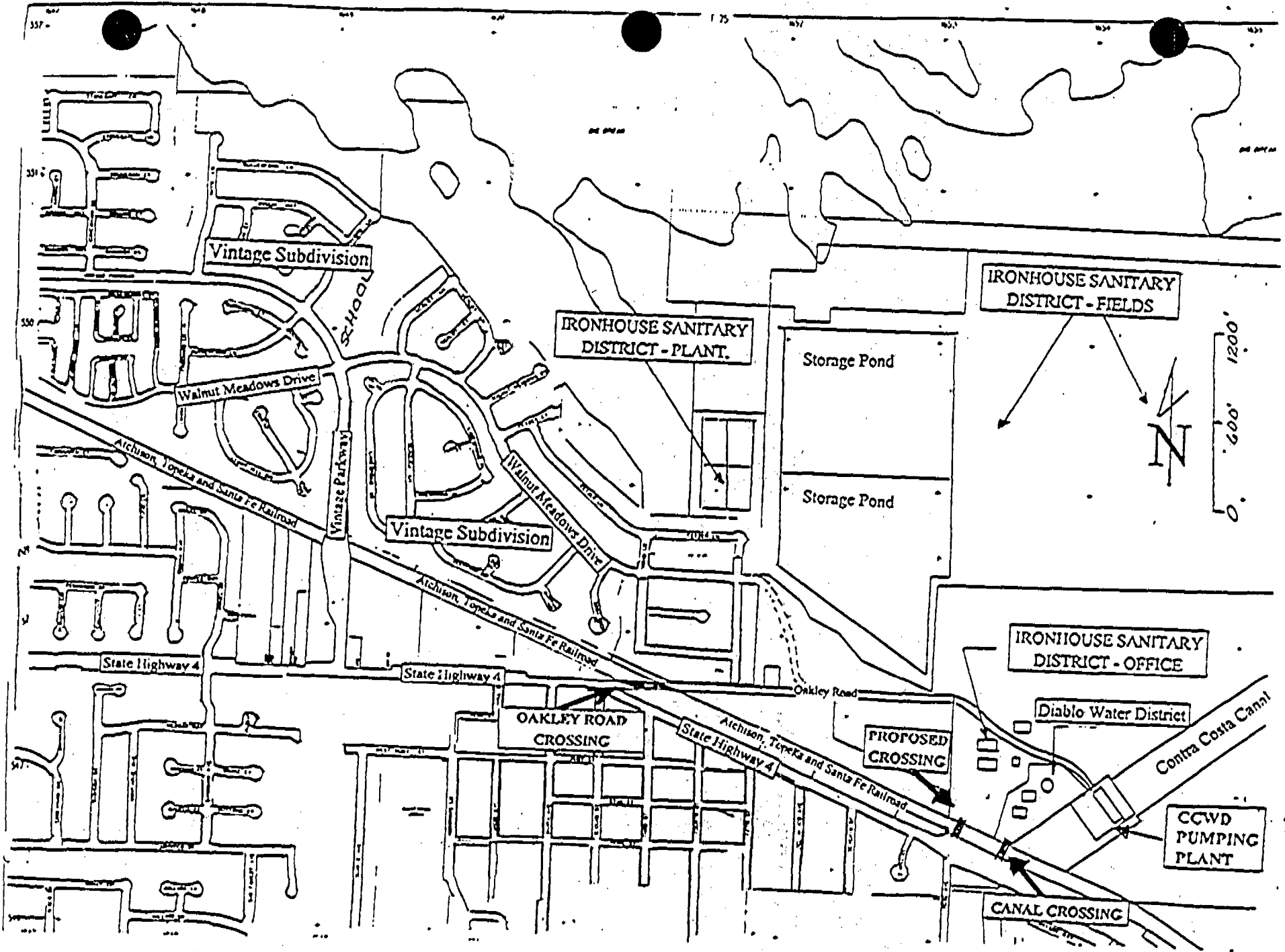
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

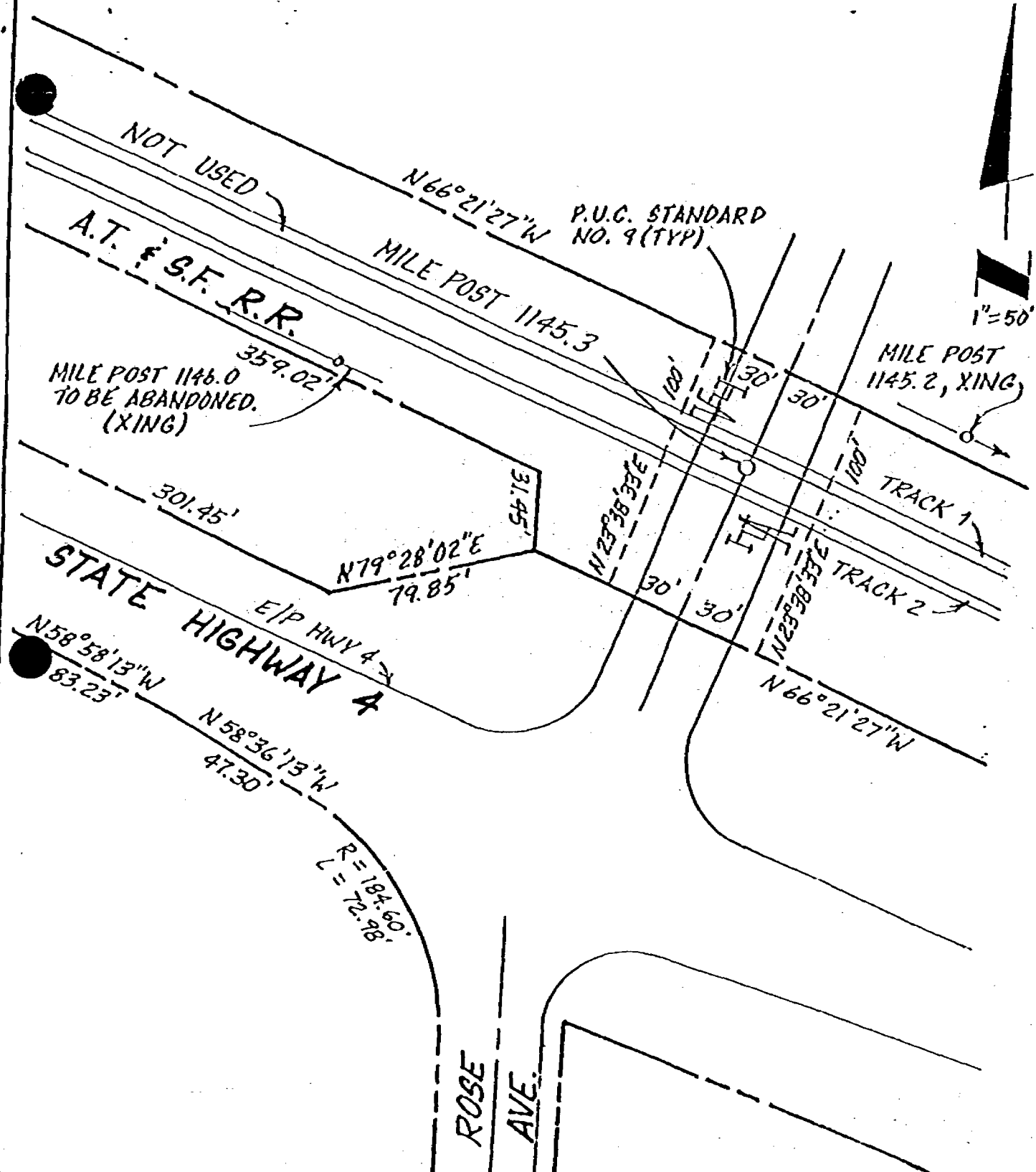
JOSIAH L. NEEPER

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Commissioners



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DATE: 7/14/97	SCALE: 1" = 50'
FILE NO.: 96038PLB	SHEET 1 OF 1

VICINITY MAP