

Mailed: 10/15/97

Decision 97-10-024 October 9, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
 OF THE COUNTY OF SANTA BARBARA)
 FOR THE CONSTRUCTION OF AN)
 AT-GRADE PEDESTRIAN CROSSING)
 ACROSS THE RIGHT-OF-WAY OF THE)
 UNION PACIFIC RAILROAD COMPANY)
 AT SURF BEACH IN THE COUNTY OF)
 SANTA BARBARA.)

Application 97-06-009
(Filed June 6, 1997)

O P I N I O N

County of Santa Barbara (County) requests authority to construct an at-grade pedestrian crossing across the tracks of Union Pacific Railroad Company's (UP), Coast Mainline, formerly owned by Southern Pacific Transportation Company (SPT), at Surf Beach, near Lompoc in Santa Barbara County.

There is currently an unauthorized, unpaved at-grade pedestrian crossing which is used by the general public desiring access to Surf Beach. Motorists generally park in an unpaved parking lot east of the existing four UP tracks, proceed on foot, through a chainlink fence gate, which has been forced open, thence travel in a westerly direction, crossing the tracks before reaching the sandy shoreline area.

Because of the large increase in population in the State of California, there has been a similar increase in the number of residents seeking access to recreational areas which include the beach coast line areas. There have been several accidents in the vicinity of the crossing, including a fatal accident, which resulted in the railroad operating over the existing right-of-way attempting to fence off the tracks to preclude unauthorized trespassing.

The California Coastal Commission issued a cease and desist order No. CCC-96-CD-01, stating that it "found the site to be a significant point of coastal access as it is one of only two

points of readily available public access within the entire 35-mile stretch of coastline owned by Vandenberg Air Force Base." With private land holdings of Hollister Ranch, Bixby Ranch, and Cojo to the south, and Point Sal to the north, there are approximately 60 miles of coastline with no formal public access.

To comply with the California Coastal Act, Public Resources Code Section 30210, mandating that maximum access and recreational opportunities be provided for all the people, the County received funding from the California Coastal Commission to construct a restroom facility and a pedestrian at-grade railroad crossing, to be known as Surf Beach Pedestrian Crossing.

The location of the proposed pedestrian crossing will also be the site of a future Amtrak Unstaffed Passenger Rail Station, a joint venture between Amtrak, the Caltrans Rail Program, the County of Santa Barbara, and the City of Lompoc. The parking lot will be paved; lighting will be installed in the parking and platform areas. In consultation with the U.S. Fish and Wildlife Service, restrooms will be installed at a site that lessens the impact of humans on the environmentally sensitive nesting habitat of the Snowy Plover bird species. In addition, signs shall be provided informing the public of the presence of the environmentally sensitive habitat area, access controls for the protection of wildlife habitat, and penalties for the violation of the restrictions.

The construction of the station and improvement of the parking lot is likely to increase the number of people crossing UP's tracks. These tracks are used daily by up to a dozen trains, including high-speed passenger trains. Thus, automatic crossing protection in the form of flashing light signals and ringing bells will be required in the vicinity of the pedestrian crossing to better warn persons using the crossing of the approach of coming trains.

In short, the proposed Surf Beach Pedestrian Railroad Crossing Access Project includes construction of: 1) a lighted,

paved parking lot of approximately 23,600 square feet for 39 cars and one bus; a pre-cast self-contained toilet structure for two restrooms; a steel traffic barrier gate at entrance to parking lot, and 2) a 16 ft. x 800 ft. concrete passenger boarding platform with five canopy structures, access ramp, and an at-grade pedestrian crossing with automatic warning devices. In order to accommodate the new boarding platform, one mainline track shall be removed. During construction, the site will be closed to the public for approximately six months.

County 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. County has determined that this project, the institution of passenger rail service on an existing and in-use railroad right-of-way, is statutorily exempt from the reporting requirements of CEQA under PR Code Section 21080(b)(11).

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency exemption determination. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division staff. Staff examined the need for and the safety of the proposed at-grade crossing and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of a public street or highway across a railroad track. A site map and detailed drawings of the proposed construction are shown in Appendix A attached to this order.

Findings of Fact

1. Notice of the Application was published in the Commission Daily Calendar on June 11, 1997. No protests have been received. A public hearing is not necessary.

2. County requests authority under Public Utilities Code Sections 1201-1205 to construct an at-grade pedestrian crossing, to be known as Surf Beach Pedestrian Crossing, across the tracks of UP's Coast Mainline, formerly owned by SPT, at Surf Beach, near Lompoc in Santa Barbara County.

3. County of Santa Barbara, California Coastal Commission, Union Pacific Railroad Company, United States Air Force-Vandenberg Air Base, and the Public Utilities Commission Rail Safety and Carrier Division Staff are in agreement that the proposed crossing is required to enhance the safety of pedestrians seeking access to the recreational Surf Beach area.

4. Public convenience and necessity require the construction of Surf Beach Pedestrian Crossing.

5. Public safety requires that protection at the Surf Beach Pedestrian Crossing be two Standard No. 8 flashing light signals, with additional Standard No. 1-D pedestrian and bicycle grade crossing signs (General Order (GO) 75-C) on the mast of the flashing light signals.

6. County is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

Conclusions of Law

1. Under Public Resources Code Section 21080(b)(11), the activity is exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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

O R D E R

IT IS ORDERED that:

1. County of Santa Barbara (County) is authorized to construct Surf Beach Pedestrian Crossing across the tracks of Union Pacific Railroad Company's (UP), Coast Mainline, formerly owned by Southern Pacific Transportation Company (SPT), at Surf Beach, near Lompoc in Santa Barbara County, at the location and substantially as shown by plans attached to the application and Appendix "A" of this order, to be identified as Crossing E - 302.7-D.

2. Protection at the Surf Beach Pedestrian Crossing shall be two Standard No. 8 flashing light signals, with additional Standard No. 1-D pedestrian and bicycle grade crossing signs (General Order (GO) 75-C) on the mast of the flashing light signals.

3. Construction of the crossings shall be equal or superior to Standard No. 8 (Pre-cast reinforced concrete panels) of GO 72-B.

4. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118. 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 approved by UP, shall be filed with the Commission's Rail Safety and Carriers Division staff prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

6. 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.

7. The application is granted as set forth above.

8. Application 97-06-009 is closed.
This order becomes effective 30 days from today.
Dated OCT 9, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

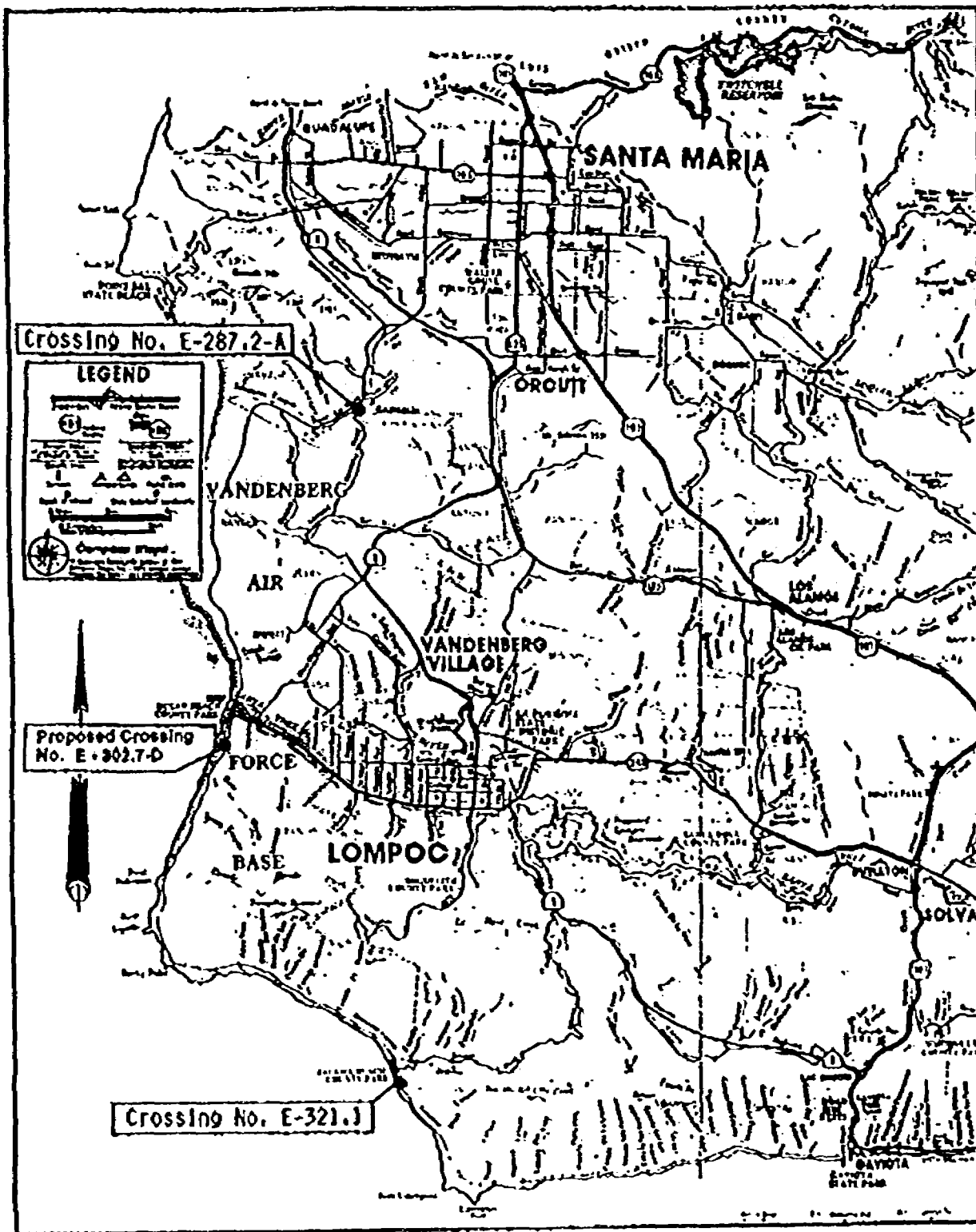
JOSIAH L. NEPPER

RICHARD A. BILAS

Commissioners

A.97-06-009 RSAC/RRT/en

Appendix A
Page 1 of 2



A.97-06-009 RSAC/RRT/bn

Appendix A
Page 2 of 2

