

Decision 99-12-043 December 16, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State Coastal  
Conservancy for an Order Authorizing  
A Public Pedestrian/Bicycle Railroad  
Crossing of the Tracks of the Northwestern  
Pacific Railroad Authority Near Blackpoint,  
Sonoma County, Milepost 5-31.2

Application 99-02-010  
(Filed February 9, 1999)  
(Amended October 15, 1999)

**OPINION**

As part of the Sonoma Baylands Enhancement Project, the State Coastal Conservancy (Conservancy) requests authority to construct a pedestrian/bikeway (ped/bike) path at-grade across the main line track of the Northwestern Pacific Railroad Authority (NWPRA), in an unincorporated area of Sonoma County.

The proposed crossing will provide public access to 313 acres of restored historic wetlands and tidal marsh.

At present, an at-grade private crossing exists on the proposed site. It is approximately 15 feet wide with an asphaltic/concrete (a/c) approach from the north and a soil/gravel approach from the south. The crossing surface is constructed of timber and there is one (1) PUC Std. No. 1-C private crossing sign on the southbound approach.

The Conservancy proposes to construct a 5-foot wide a/c pathway parallel and adjacent to the existing private crossing and roadway. The paved pathway will extend throughout the entire width of the NWPRA right-of-way, approximately 50 feet on either side of the track. A post and cable fence will separate the ped/bike path from the private roadway. This public crossing will be fitted with two (2) PUC Standard Number 10 automatic signals, modified with Std. No. 8 flashers. A sketch of the crossing and project area is attached as Appendix A.

The Conservancy is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code (PRC) Sections 21000, et seq. It has been determined that construction of the ped/bike crossing is categorically exempt under

the provisions of PRC Sections 21083, 21084, and 21087, as well as the Commission's Rules of Practice and Procedure, Rule 17.1(h)(1)(B)(2). The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's determination of categorical exemption.

A response to A.99-02-010 was filed by the NWPRRA on March 12, 1999. In its response, NWPRRA noted that the parties are currently in negotiations over the terms of a licensing agreement for the construction and use of the proposed crossing. Furthermore, NWPRRA requests that the Commission defer action on the application to allow the parties time to reach agreement.

An amendment to the application was filed by the Conservancy on October 15, 1999, and published in the Commission's Daily Calendar (CDC) on October 25, 1999. The amendment incorporated modifications to the proposed design as agreed to by the Conservancy, NWPRRA, and staff of the Commission's Rail Safety and Carriers Division (RSAC) Rail Crossings Engineering Section (RCE). It also states "the Conservancy and the Northwestern Pacific Railroad Authority...have agreed to terms of a License Agreement for the construction, repair, maintenance and use of the proposed crossing."

RCE staff has inspected the site of the proposed project. The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 99-02-010, as amended, 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.

In Resolution ALJ 176-3010 dated February 18, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests to the amended application have been received. The Commission's RSAC recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3010.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. Notice of the application was published in the CDC on February 10, 1999. NWPRA filed a response on March 12, 1999. The Conservancy filed an amendment on October 15, 1999, which was published in the CDC on October 25, 1999. No protests have been filed.

2. The Conservancy requests authority, under Public Utilities Code Sections 1201 - 1205, to construct a ped/bike path at-grade across the main line track of the NWPRA, in an unincorporated area of Sonoma County.

3. Public convenience and necessity require construction of the crossing.

4. Public safety requires that the crossing be equipped with two (2) Standard No. 10 automatic signals modified with Std. No. 8 flashers, in accordance with General Order 75-C.

5. The Conservancy 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 determination of categorical exemption.

**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 State Coastal Conservancy (Conservancy) is authorized to construct a pedestrian/bike path at-grade across the main line track of the Northwestern Pacific Railroad Authority (NWPRA), at the location and substantially as shown on the plans attached to the application, to be identified as Crossing 005H-30.84-D.

2. The crossings shall be fitted with two Standard No. 10 automatic signals modified with Std. No. 8 flashers, as specified in General Order (GO) 75-C.

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

4. 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.

5. 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 the Conservancy with the Commission's Rail Safety and Carriers Division (RSAC), Rail Crossings Engineering (RCE) Section prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. The Conservancy shall file the final construction plans, as approved by NWPRRA, with the RSAC/RCE prior to commencing construction.

7. Within thirty (30) days after completion of the work under this order, the Conservancy shall advise the RCE staff in writing that the authorized work has been completed.

8. 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.

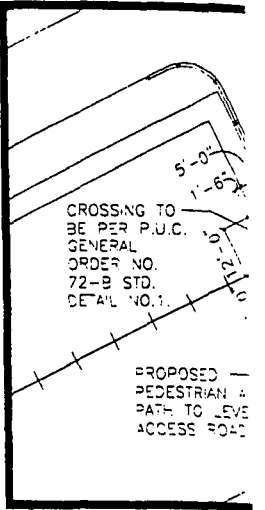
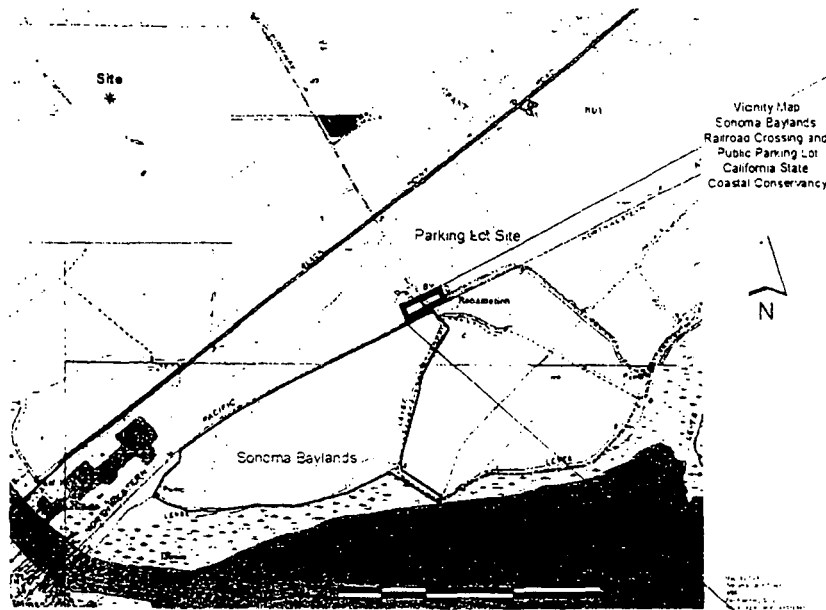
9. This application is granted as set forth above.

10. Application 99-02-010 is closed.

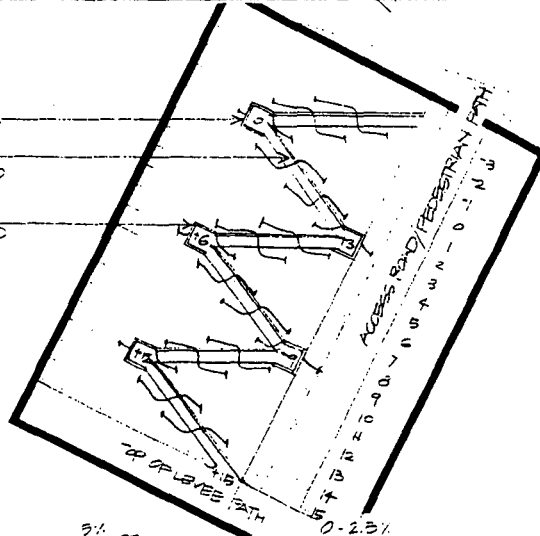
This order becomes effective thirty (30) days from today.

Dated December 16, 1999 at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
JOEL Z. HYATT  
CARL W. WOOD  
Commissioners

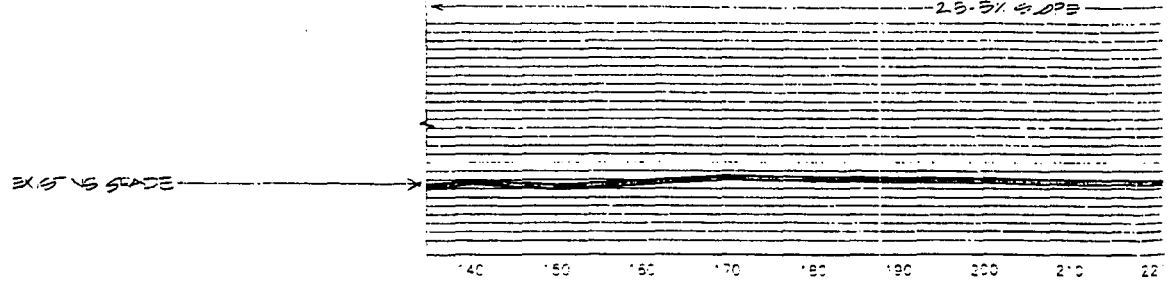
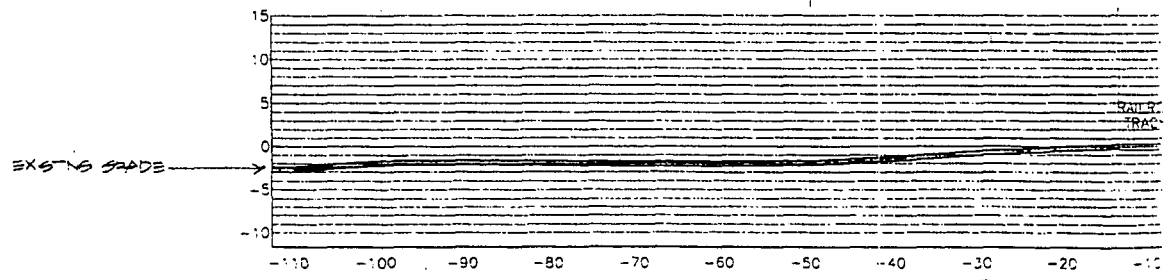


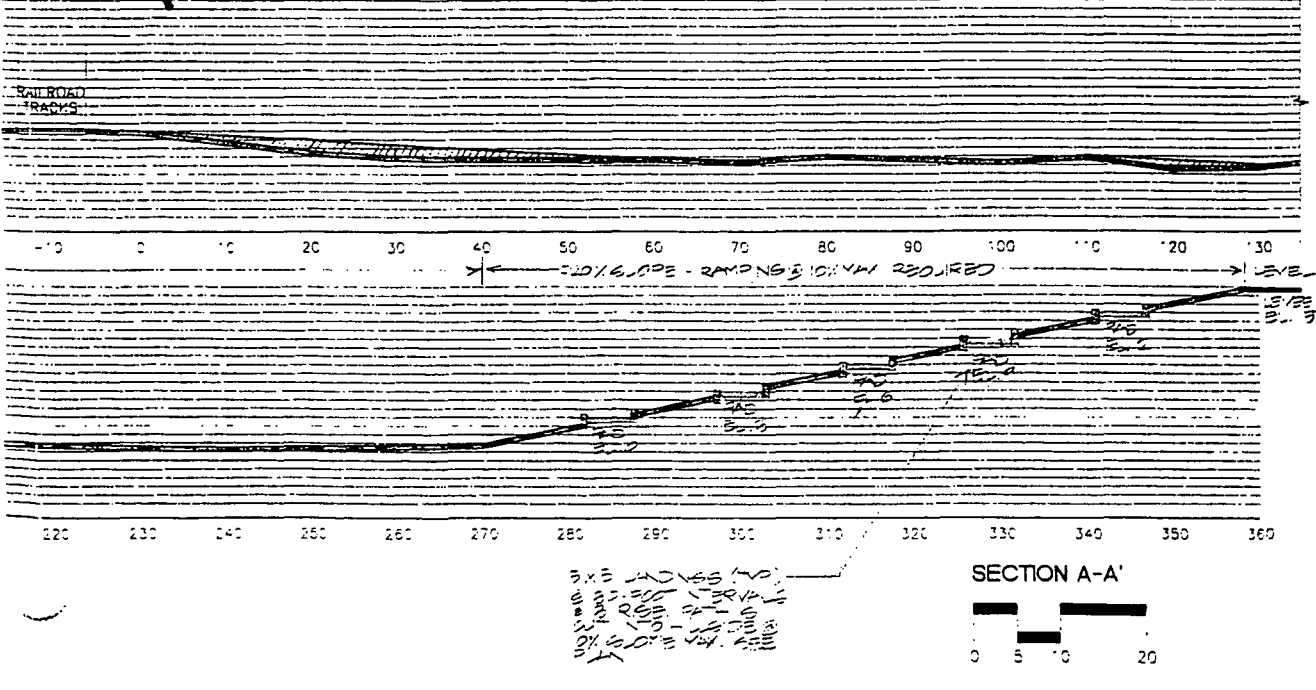
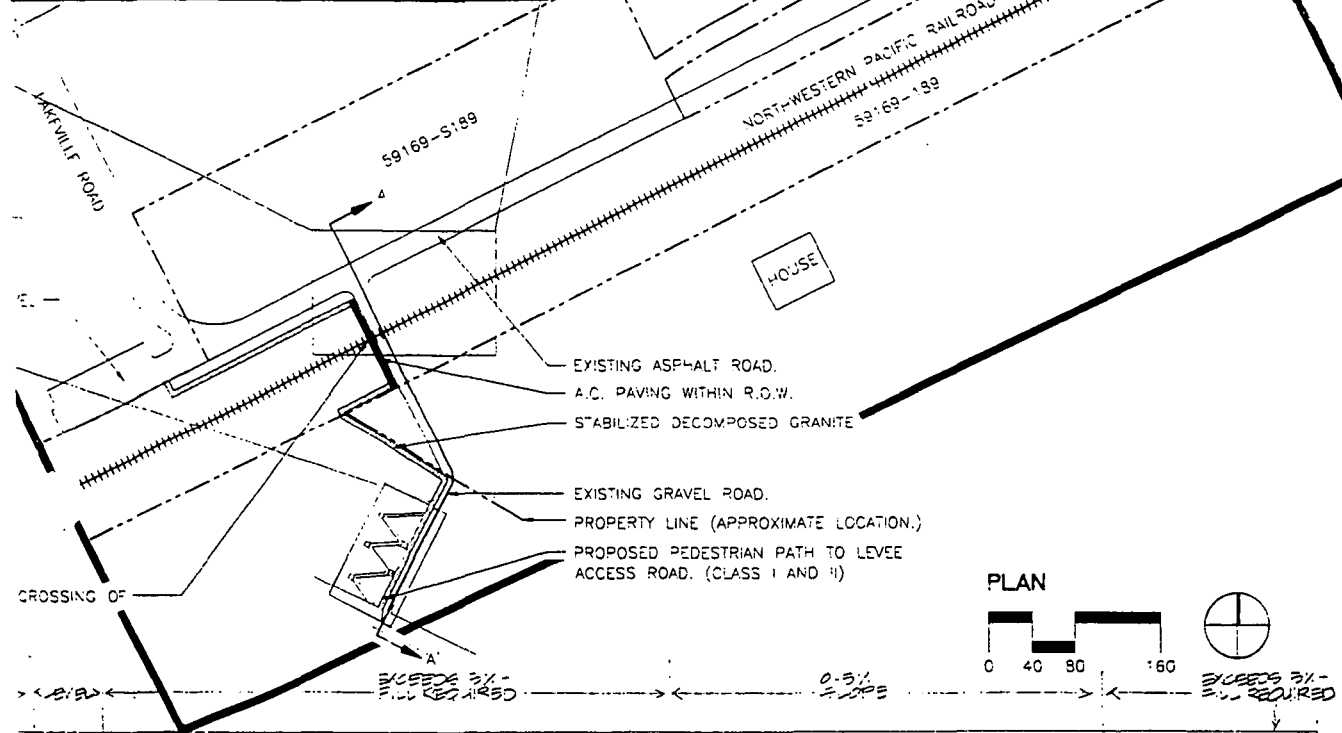
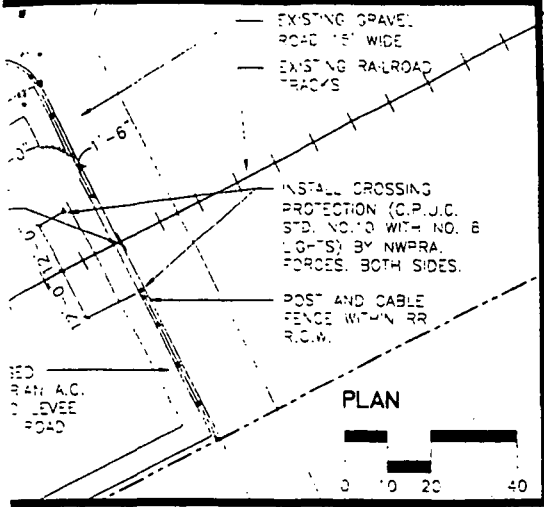
5x5 LANDING TYPED  
30-FOOT INTERVALS  
0% MAX SLOPE PATH  
3'-0" WIDE MIN. CUT INTO  
SLOPE  
RETAINING WALLS OF  
LANDSCAPE TIES HOLD  
ACCESSIBLE WALKWAY  
SURFACE IN PLACE.



PROPOSED TO CAR GRAVEL -  
PARKING LOT.  
PROPOSED PEDESTRIAN CROSS  
RAILROAD TRACKS.

← 0-2.5% SLOPE FROM PARKING LOT → 3% SLOPE → 0-2.5% SLOPE → 5% SLOPE → R.S.B.





Revision	
Date	
No.	
<p>VALLEY DESIGN ASSOCIATES LANDSCAPE ARCHITECTS, PLANNERS &amp; ENGINEERS 1115 UNIVERSITY AVENUE, SUITE 200 BERKELEY, CALIFORNIA 94702 TELEPHONE 845-8800 FAX 845-8801</p>	
SHEET TITLE	
AT-GRADE PEDESTRIAN CROSSING	
PROJECT	
SUNOMA BAYLANDS SONOMA COUNTY, CALIFORNIA	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
PROJ. NO.	
DATE	SEPTEMBER 1998
SHEET	2