

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Sacramento-Yolo Port District to locate a railroad crossing for Union Pacific Railroad Company at 3805 Channel Drive, in the City of West Sacramento, County of Yolo.

Application 08-11-015
(Filed November 17, 2008)

DECISION GRANTING SACRAMENTO-YOLO PORT DISTRICT AUTHORITY TO CONSTRUCT NEW AT-GRADE HIGHWAY-RAIL CROSSING ACROSS CHANNEL DRIVE IN WEST SACRAMENTO

Summary

This decision grants the Sacramento-Yolo Port District’s (District) request for authority to construct the new at-grade highway-rail crossing across Channel Drive in the City of West Sacramento (City), in Yolo County. The crossing will be identified as CPUC Crossing No. 008-91.37-C and United States Department of Transportation No. 928835E. The two-track crossing is part of a larger project to construct a rail spur that would serve both Valley Slurry Seal and Valley Slurry Seal Emultech, located at 3785 Channel Drive in the City.

Discussion

The District requests authority to construct a new two-track at-grade highway-rail crossing at 3785 Channel Drive in the City. At this location within the industrial area encompassed by the District, Channel Drive is a two-lane, 45-foot wide street. Average Daily Traffic consists of approximately 1165 vehicles per day, with approximately 20% being large semi-sized trucks. The traffic speed limit is 25 miles per hour.

The project will extend an existing industry spur track across Channel drive to serve the Valley Slurry Seal property. The proposed warning devices will consist of two Commission Standard 8-A (flashing light signal assembly with additional flashing light signals over the roadway on a cantilevered arm) warning devices in each traffic direction. California Manual on Uniform Traffic Control Devices (CA MUTCD) W10-1 railroad advance warning signs will be placed in both approach directions on Channel Drive. All pavement markings will comply with CA MUTCD guidelines.

The crossing will be constructed and maintained by Valley Slurry Seal, to Union Pacific Railroad Company (UPRR) standards. UPRR will provide rail service to Valley Slurry Seal. Projected normal rail traffic will consist of approximately 10 total trains between the months of March and August consisting of 16 cars each. Rail service outside those months will be minimal to none. Train speeds will be 5-10 miles per hour over the crossing.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

If the project is to be carried out by a non-governmental person or entity, the lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.¹ Here, Valley Slurry Seal, a non-governmental entity, is the project sponsor. Moreover, the City is the lead agency for this project and the Commission is a responsible agency. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.²

Pursuant to CEQA, on February 7 2008, the City adopted a Mitigated Negative Declaration. A Notice of Determination was filed with the Yolo County Clerk on February 19, 2008, which indicated that an Initial Study and Mitigated Negative Declaration had been prepared for the project, and stated that the project will not have a significant impact on the environment.

Traffic and noise impacts are within the scope of the Commission's permitting process. We will adopt the City's environmental findings for purposes of our approval.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.9 of Rules of Practice and Procedure, which relates to the construction of a railroad across a highway.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing,

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

² CEQA Guidelines, Sections 15050(b) and 15096.

has reviewed and analyzed the proposed crossing, and recommends that the requested authority to construct the subject crossing be granted for a period of two years.

Categorization and Need for Hearings

In Resolution ALJ 176-3225, dated November 21, 2008, and published in the Commission's Daily Calendar on November 24, 2008, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3225.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is being waved.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 20, 2008. There are no unresolved matters or protests. A public hearing is not necessary.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade highway-rail crossing over Channel Drive. The crossing will be identified as CPUC Crossing No. 008-91.37-C.

3. The City, acting as lead agency pursuant to CEQA, prepared a Mitigated Negative Declaration and Notice of Determination. It was determined that the project will have no significant impact on the environment.

4. The Commission is a responsible agency for this project and has reviewed and considered the City's environmental documentation and Notice of Determination.

Conclusions of Law

1. The environmental review and Notice of Determination, as required by CEQA and as prepared by the City, are adequate for our decision-making purposes.

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

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

O R D E R

IT IS ORDERED that:

1. The Sacramento-Yolo Port District (District) is authorized to construct a new at-grade crossing across Channel Drive to serve the property at 3785 Channel Drive. The crossing will be identified as CPUC Crossing No. 008-91.37-C.

2. The crossing shall be equipped with two Commission Standard 8-As (flashing light signal assembly with additional flashing light signals over the roadway on a cantilevered arm) warning devices, one on each approach to the crossing.

3. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section (RCES) that the authorized work is completed, by submitting a completed Standard Commission Form G titled *Report of Changes at Highway Grade Crossing and Separations*.

4. The District shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not satisfied. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

6. A request for extension of the two-year authorization period must be submitted to RCES at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

7. This application is granted as set forth above.

8. Application 08-11-015 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.