

Decision No. 86232**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Stockton, a
 political subdivision of the State of
 California, having corporate powers, for
 an order to construct two crossings at-
 grade of the Southern Pacific Railroad
 Company spur track over the proposed
 El Pinal Drive.

Application No. 56103
 (Filed December 4, 1975)
 (Amended March 31, 1976)

O P I N I O N

As part of the project to develop the El Pinal industrial park adjacent to the northeasterly city limit the City of Stockton requests authority to construct two crossings at-grade of the Southern Pacific Transportation Company spur track over the proposed El Pinal Drive in Stockton, San Joaquin County.

The City of Stockton is the lead agency for the development project pursuant to the Environmental Quality Act of 1970, as amended. After review of the Environmental Impact Report, the City Planning Department of the City of Stockton approved the development project and on March 26, 1974 filed a Notice of Determination with the San Joaquin County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the original application was published in the Commission's Daily Calendar on December 4, 1975 and of the amended application on April 1, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. The City of Stockton should be authorized to construct two crossings at-grade across the tracks of the Southern Pacific Transportation Company in Stockton, San Joaquin County, at the location and substantially as shown by plans attached to the amended

application, to be identified as Crossing D-92.92-C (drill track crossing) and as Crossing D-93.21-C (spur track crossing).

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

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at each crossing should be two Standard No. 8 automatic flashing light signals (General Order 75-C).

5. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a conformed copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on March 26, 1974 approved its final Environmental Impact Report. The Commission has considered the Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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 Stockton is authorized to construct El Pinal Drive at-grade across the tracks of the Southern Pacific Transportation Company in Stockton, San Joaquin County, as set forth in the findings of this decision.

2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within one year unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of AUGUST, 1976.

President
William J. ...
Thomas L. Sturgeon
Ross

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.
- 3 -

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.