

ORIGINAL

Decision 87 10 056 OCT 28 1987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the People of the State of)
 California, Department of Transportation,)
 for an order authorizing the creation of)
 two new public at-grade crossings by)
 construction of a new line of track of the) Application 87-07-036
 Stockton Terminal and Eastern Railroad) (Filed July 23, 1987)
 over Cardinal Avenue and State Route 26)
 in the City of Stockton, County of)
 San Joaquin.)

O P I N I O N

As part of the project to eliminate the existing grade crossing of State Route (SR) 99 freeway across Southern Pacific Transportation Company's (SPT) tracks, the State of California, Department of Transportation (Caltrans), requests authority to construct a new track of the Stockton Terminal and Eastern Railroad (ST&E) at grade across SR 26 and across Cardinal Avenue near Stockton, San Joaquin County.

The new track will connect ST&E with a portion of the Oakdale Branch Line of the Southern Pacific Transportation Company (SPT). This connection will allow ST&E to continue rail service to shippers located east of SR 99 which will lose SPT rail service when the SPT grade crossing of SR 99 is abolished due to proposed construction of the Stockton Crosstown Freeway (SR 4).

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation and review of an Initial Study, Caltrans issued a Negative Declaration and approved the project. On March 5, 1985, a Notice of Determination was filed with the Secretary for Resources which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on July 29, 1987. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct a new track of the ST&E at grade across SR 26 and across Cardinal Avenue near Stockton, San Joaquin County.

2. Construction of the crossings is an essential element in construction of the Stockton Crosstown Freeway.

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

4. Public safety requires that the crossings be protected with automatic warning devices, as set forth in the order.

5. Caltrans 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 Initial Study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans) is authorized to construct a new track of the Stockton Terminal and Eastern Railroad (ST&E) at grade across SR 26 and across Cardinal Avenue near Stockton, San Joaquin County, at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 41-17.25-C and 41-17.80-C, respectively.

2. Construction of the crossings shall be equal or superior to Standard No. 4-A of General Order (GO) 72-B.

3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

4. Protection at the SR 26 crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers and one Standard No. 9 automatic gate-type signal (GO 75-C).

5. Protection at the Cardinal Avenue crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers (GO 75-C).

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, together with plans of the crossings approved by ST&E, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within three 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. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated OCT 28 1987, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.



Victor Weisser, Executive Director