

S/ALA/

Decision 90 09 034 SEP 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Riverbank,)
for an order authorizing THE CITY OF)
RIVERBANK to construct a roadway)
access under THE ATCHISON, TOPEKA AND)
SANTA FE RAILWAY COMPANY'S BRIDGE)
NUMBER 1096.7 located in Riverbank,)
California.)

Application 90-06-018
(Filed June 11, 1990)

OPINION

As part of the project to develop the River Cove Subdivision, the City of Riverbank (City) requests authority to construct River Cove Drive at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Riverbank, Stanislaus County.

The project will result in development of 82.5 acres of open land into 259 single family residences and a 5 acre park. The project is located immediately to the south of the Stanislaus River and primarily to the west of the tracks. The tracks are on an existing multi-span bridge which crosses the Stanislaus River. The proposed crossing under the existing bridge will provide access to the subdivision from the east.

City 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. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On July 11, 1989 a Notice of Determination was filed with the County Clerk which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA 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 Safety Division's Traffic Engineering staff. The staff examined the need for and safety of the proposed construction and recommends that authority to construct the crossing be granted as requested.

Application 90-06-018 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. A sketch of the project vicinity is set forth as Appendix A.

City wishes to begin construction of the project at the earliest possible date. It is, therefore, requested that the usual 30-day effective date on an order be waived.

Notice of the application was published in the Commission's Daily Calendar on June 15, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct River Cove Drive at separated grades under the tracks of AT&SF's main line in Riverbank, Stanislaus County.
2. Construction of the grade separated crossing is an essential element in construction of the River Cove Subdivision.
3. Public convenience, necessity, and safety require construction of the grade separated crossing.
4. City is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.
6. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application should be granted as set forth in the following order.
2. The usual 30-day effective date on an order should be waived as City wishes to begin construction at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of Riverbank (City) is authorized to construct River Cove Drive at separated grades under the tracks of The Atchison, Topeka and Santa Fe's (AT&SF) main line in Riverside, Stanislaus County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-1096.7-B.
2. Clearances shall be in accordance with General Order (GO) 26-D.
3. Walkways shall conform to GO-118. Walkways adjacent to any trackage subject to rail operations shall be promptly restored to their original condition in the event of damage during construction.
4. 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 AT&SF, shall be filed with the Commission's Safety Division 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, City shall notify the Commission's Safety Division in writing that the authorized work has been completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the 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.

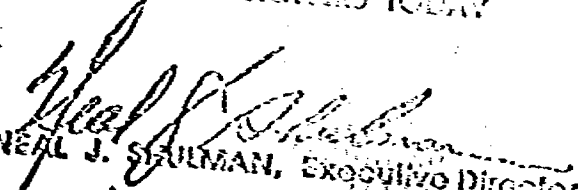
This order is effective today.

Dated SEP 12 1990, at San Francisco, California.

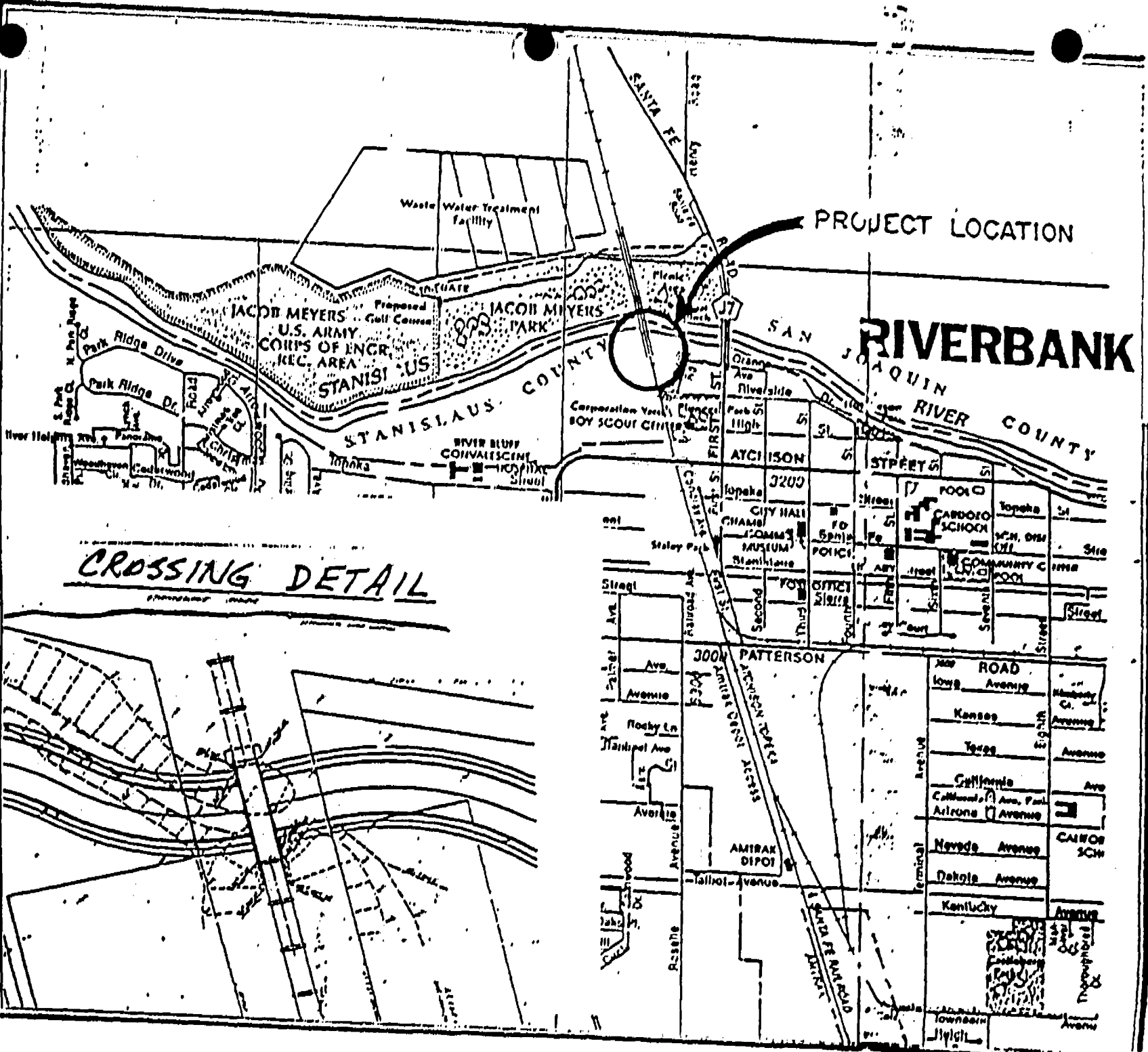
G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
PATRICIA M. ECKERT
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

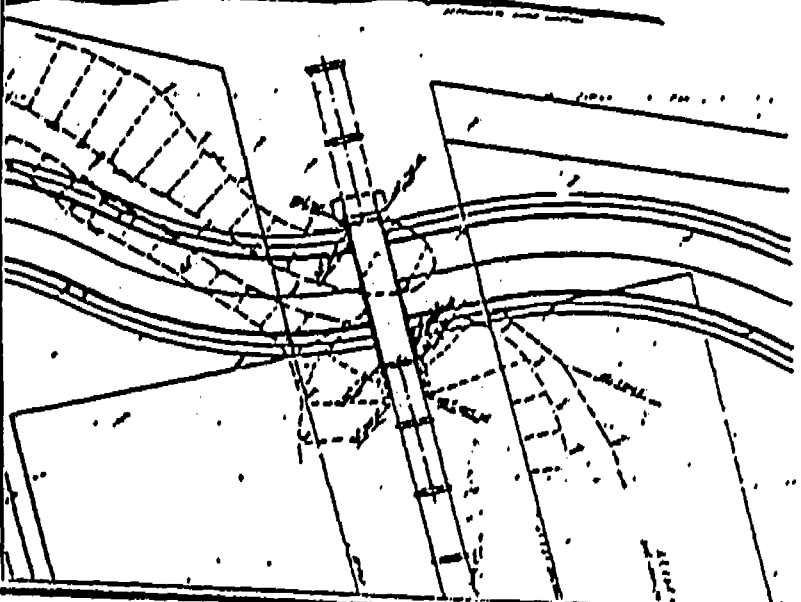
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. STULMAN, Executive Director

DB




CROSSING DETAIL



DATE 6-28-90
 SHEET 1 OF 1
 JOB 812

LOCATION MAP



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