

S/ASC/bcy

Decision 90 10 026 OCT 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Lodi to construct a city)
road across the tracks of the Central)
California Traction Co. in the City)
of Lodi.)

Application 90-03-012
(Filed March 9, 1990)

O P I N I O N

As part of the project for construction of an electrical substation and related 60KV and 12KV transmission lines, the City of Lodi (City) requests authority to construct Thurman Street at grade across Central California Traction Company's (CCT) drill track in Lodi, San Joaquin County.

The area of the proposed project site has been steadily developing into an industrial park. The extension of Thurman Street will provide access to a proposed electrical substation and industrial properties.

Adverse impacts of the project include loss of existing orchards, shade, and ornamental trees, and visual impacts. Mitigation measures include selecting the substation site and transmission line route of least impact.

City 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 Environmental Impact Report (EIR), City approved the project. On May 22, 1989, a Notice of Determination was filed with the San Joaquin County Clerk which found that "The project will 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 EIR.

Application 90-03-012 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to construction of a public highway across a railroad. The railroad track is a drill track which served a lumber yard. The lumber company is now out of business and there is no rail traffic on this track. A sketch of the crossing is set forth as Appendix A.

The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed rail crossing and recommends issuance of an ex parte order authorizing the proposed crossing subject to installation of a barrier on the tracks, initially, to prevent rail operations and, upon resumption of rail service, to installation of automatic gate-type signals.

On April 5, 1990, the United Transportation Union (UTU) filed a protest alleging that the proposed crossing would be unsafe. Upon further review of the application, UTU withdrew its protest on July 24, 1990.

Notice of the application was published in the Commission's Daily Calendar on March 19, 1990. There are no unresolved protests. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Thurman Street at grade across CCT's drill track in Lodi, San Joaquin County.
2. The proposed crossing is required to provide access to a proposed electrical substation.
3. Public convenience and necessity require construction of the proposed railroad-highway crossing.
4. No protection is required at the Thurman Street grade crossing because the drill track is out of service. Barriers are required to be placed on the track to prevent rail service.

5. At such time as rail operations may be resumed on this drill track, public safety will require that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C). Pending installation of the automatic gate-type signals and for a period not to exceed one year, the requirements of public safety may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing, whereafter the automatic gate-type signals shall be installed and functional.

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

8. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. The City of Lodi (City) is authorized to construct Thurman Street at grade across Central California Traction Company's (CCT) drill track in Lodi, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 61-0.8-C.
2. Construction of the crossing shall be in accordance with the provisions of GO 72-B.
3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

4. Until such time as rail service is resumed, barriers shall be placed on the tracks to prevent rail use across Thurman Street.

5. At such time as rail operations may be resumed on this drill track, two Standard No. 9 automatic gate-type signals (GO 75-C) shall be installed.

6. For a period not to exceed one year from the date of resumption of rail service, protection at the crossing may be two Standard No. 1-R crossing signs. No rail service shall operate over the crossing unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent employee of the railroad, acting as flagman. The flagman shall place a minimum of two fuses on each side of the track prior to entry into the crossing. The automatic gates shall be installed within this one year period. The crossing shall be closed and physically blocked after one year if the required gates are not installed.

7. Written instructions shall be issued by CCT to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission's Safety Division within 30 days after the resumption of rail operations. Suitable signs shall be installed on both sides of Thurman Street calling to the attention of trainmen the flagging instructions.

8. Construction expense of the crossing and installation cost of the protection shall be borne by City.

9. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

10. Construction plans of the crossing, approved by CCT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety Division prior to commencing construction.

11. 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.

12. This authorization shall expire if not exercised within two 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.

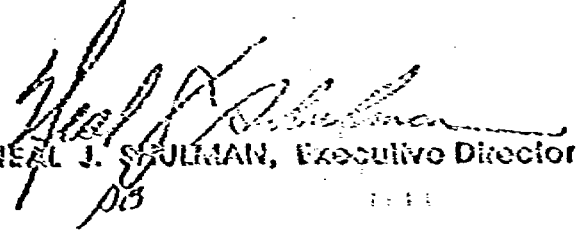
13. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated OCT 12 1990, at San Francisco, California.

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

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


NEAL J. SCHULMAN, Executive Director

