

S/ASC/bcy

Decision 91 03 060 MAR 22 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
THE CITY OF STOCKTON for authority )  
to construct The Union Pacific )  
Railroad Company drill track at-grade )  
over and across Perlman Drive in )  
the City of Stockton, County of )  
San Joaquin, State of California. )

**ORIGINAL**  
Application 90-11-004  
(Filed November 5, 1990)

O P I N I O N

The City of Stockton (City) requests authority to construct a Union Pacific Railroad Company (UP) spur track at grade across Perlman Drive in Stockton, San Joaquin County.

The existing spur track, serving various industries in the Western Pacific Industrial Park, terminates west of Perlman Drive. The proposed extension of the spur track will serve new developments east of Perlman Drive.

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 Initial Study, City issued a Negative Declaration and approved the project. On September 14, 1983, a Notice of Determination was filed with the San Joaquin 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 Commission's Traffic Engineering staff. The staff examined the need for and safety of the proposed project. The staff recommends that the sought authority be granted.

Application 90-11-004 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway. A sketch of the proposed crossing is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 9, 1990. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct a UP spur track at grade across Perlman Drive in Stockton, San Joaquin County.

3. The proposed crossing is required to provide rail service to industrial development east of Perlman Drive.

4. Public convenience and necessity require construction of the proposed railroad-highway crossing.

5. Public safety requires that protection at the crossing be two Standard No. 8-A automatic flashing-light signals with cantilevers (General Order (GO) 75-C).

6. Pending installation of the automatic protection, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

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

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

9. The project will not have any 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 City of Stockton (City) is authorized to construct a Union Pacific Railroad Company (UP) spur track at grade across Perlman Drive in Stockton, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-91.0-C.
2. Construction of the crossing surface shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.
3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
4. Protection at the crossing shall be two Standard No. 8-A automatic flashing-light signals with cantilevers (GO 75-C).
5. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C), and no on-rail vehicle 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 fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.
6. Written instructions shall be issued by the railroad 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 installation of the crossing. Suitable signs shall be installed on both sides of Perlman Drive, calling the attention of trainmen to the flagging instructions. The flagging procedures shall remain in full force until the required automatic protection is installed and operative.
7. Construction expense of the crossing and installation cost of the automatic protection shall be borne by UP.

8. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by UP.

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

10. 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.

11. 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.

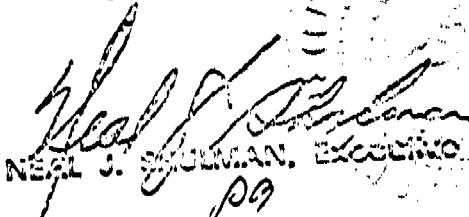
12. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated MAR 22 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL WM. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHUMAN, Executive Director  
pg

UNITED FACILITIES, INC.  
DISTRIBUTION WAREHOUSE

PROP. #8-A X-ING PROTECTION  
CANTILEVER W/ NO GATE

OPEN FIELD

Scale: 1"=100'

PROP. CROSSING  
#4-91.0 C

STOCKTON YARD & EXISTING DRILL TRACK

PROPOSED DRILL TRACK

STOCKTON DISTRIBUTION CENTER  
WAREHOUSE

EXISTING TRACK

EXIST. 15" SAN. SEWER EAST

PERLMAN DRIVE

PROPOSED BUZZ OATES ENTERPRISE  
DISTRIBUTION WAREHOUSE

PROPOSED UP SPUR TRACK CROSSING  
OF PERLMAN DRIVE  
STOCKTON, SAN JOAQUIN CO.

H. 90-11-004 S/AS  
APPENDIX A