

Decision 91 03 061

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 a crossing at separated)
grades between Hammer Lane and tracks)
of the Union Pacific Railroad Company)
sometimes referred to as the "Hammer)
Lane Underpass.")

ORIGINAL

Application 90-12-007
(Filed December 3, 1990;
amended February 15, 1991)

O P I N I O N

The City of Stockton (City) requests authority to construct Hammer Lane at separated grades under Union Pacific Railroad Company's (UP) main line tracks in Stockton, San Joaquin County.

The priority list of grade separation projects for fiscal year 1990-91, as set forth in Decision 90-06-058, dated June 20, 1990, shows this project as Priority No. 11.

Construction of the Hammer Lane Underpass will provide a major east-west arterial street not subject to disruption by rail movements. Hammer Lane is also a primary connector route for Interstate Route 5 and State Route 99. During construction of the underpass, a detour road will create a temporary grade crossing to the south of existing Hammer lane. Rail traffic will also be diverted to a temporary shoofly track. Upon completion of the proposed underpass, the rail crossings of existing Hammer Lane and of the detour road will be eliminated.

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. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination. 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 construction of the crossing. The staff recommends that the sought authority be granted.

Application 90-12-007 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 crossing area is set forth as Appendix A.

Findings of Fact

1. Notices of the application and amendment were published in the Commission's Daily Calendar on January 31, 1991 and February 20, 1991, respectively. No protests have been received. A public hearing is not necessary.
2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Hammer Lane at separated grades under UP's main line tracks in Stockton, San Joaquin County.
3. Construction of the underpass is required to provide an arterial street not subject to disruption by train movements.
4. Public safety requires that protection at the proposed temporary detour road crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
5. Upon completion of the Hammer Lane Underpass and its opening to vehicular traffic, the existing grade crossings of Hammer Lane and of the detour road are required to be closed and physically removed.
6. Public convenience, necessity, and safety require construction of the Hammer Lane Underpass.
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 categorical exemption determination.

9. It can be seen with certainty that there is no possibility that the activity in question may 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 activity is not covered by the requirements set forth in CEQA and, therefore, the guidelines (14 Cal. Admin. Code-Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

ORDER

IT IS ORDERED that:

1. The City of Stockton (City) is authorized to construct the Hammer Lane Underpass at separated grades under Union Pacific Railroad Company's (UP) main line tracks in Stockton, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-98.5-B.

2. City is also authorized to construct a temporary detour road at grade across UP's tracks during the period of construction. Protection at the temporary detour grade crossing shall be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

3. Construction of the temporary grade crossing shall be equal or superior to Standard No. 1 of GO 72-B.

4. Upon completion of the Hammer Lane Underpass and its opening to vehicular traffic, the existing grade crossings of Hammer Lane, Crossing 4-98.5, and of the temporary detour road, shall be closed and physically removed.

5. Clearances shall be in accordance with GO 26-D.

6. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

7. 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 crossing approved by UP, 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.

8. 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.

9. 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.

10. The application is granted as set forth above. This order becomes effective 30 days from today.

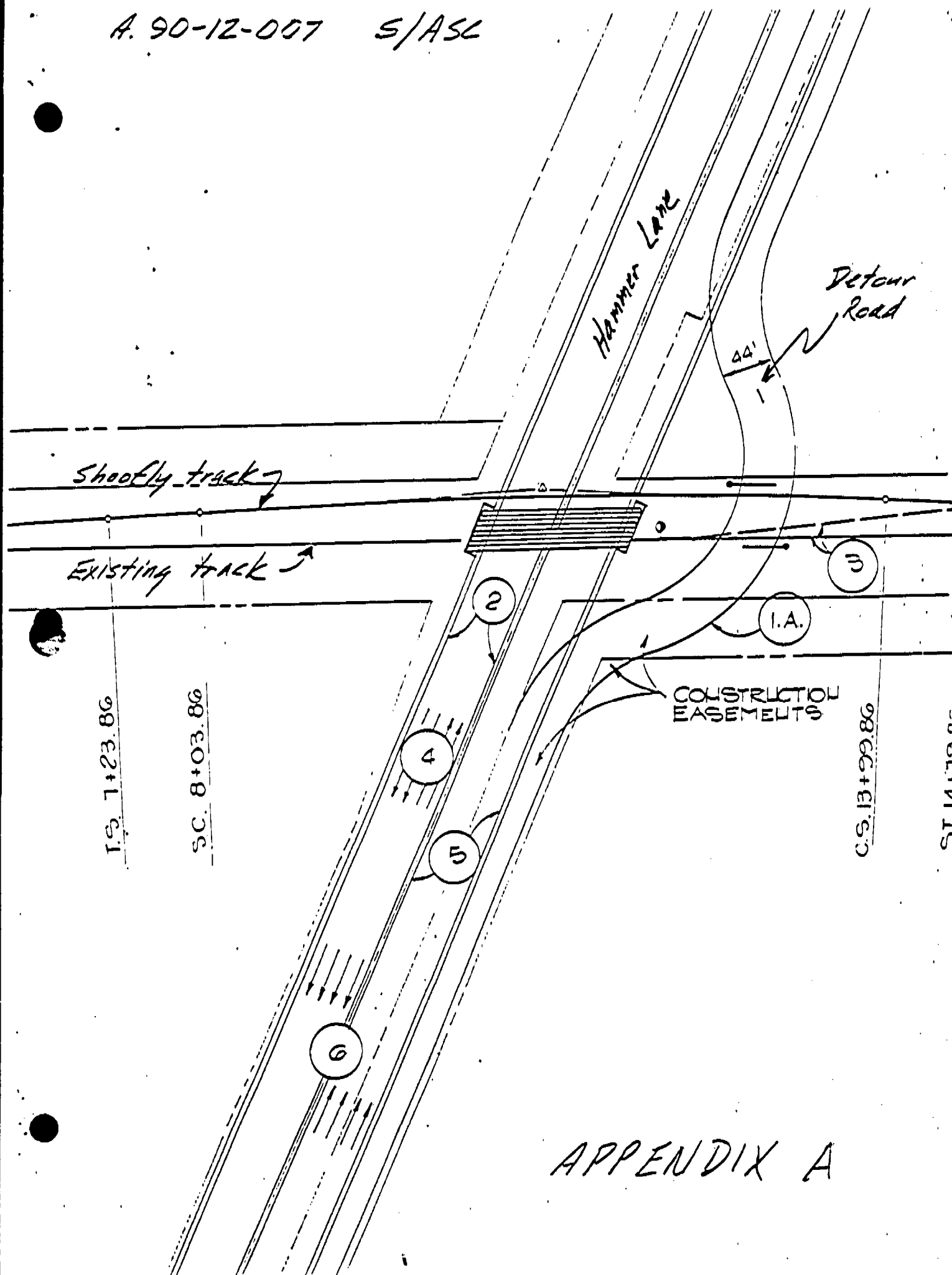
Dated MAR 22 1991, at San Francisco, California.

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.

[Signature]
JOEL J. SHULMAN, Executive Director

A. 90-12-007 S/ASC



APPENDIX A