

ORIGINAL

Decision No. 87061

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Stockton,)
a political subdivision of the State)
of California, having corporate)
powers, for an order to construct a)
crossing at-grade of the Western)
Pacific Railroad Company over the)
proposed easterly extension of March)
Lane, and to close the crossing)
at-grade No. 4-95.9 of the Western)
Pacific Railroad at Fulton Street in)
the City of Stockton, California.)

Application No. 56646
(Filed July 28, 1976)
(Amended Nov. 10, 1976)

O P I N I O N

As part of the project to construct the March Lane Expressway between El Dorado Street and West Lane, the City of Stockton requests authority to construct March Lane at grade across the tracks of The Western Pacific Railroad Company. Authority is also requested to close the existing at-grade crossing of Fulton Street (Crossing 4-95.9) across the tracks of The Western Pacific Railroad Company, all in the City of Stockton, San Joaquin County.

The City of Stockton is the lead agency for both projects pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the City of Stockton approved the March Lane Expressway project and on July 6, 1976 filed a Notice of Determination with the San Joaquin County Clerk which found that "the project will not have a significant effect on the environment." After review of a Negative Declaration, the City of Stockton also approved the project to close the Fulton Street crossing of the tracks of The Western Pacific Railroad Company and on November 8, 1976, filed a Notice of Determination with the San Joaquin County Clerk which found that "the project will not have a significant effect on the environment."

Notice of the application and the amendment were published in the Commission's Daily Calendar on July 29, 1976 and on November 11, 1976, respectively. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct March Lane at grade across the tracks of The Western Pacific Railroad Company in the City of Stockton, San Joaquin County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 4-96.9.
2. Applicant should also be authorized to close the Fulton Street at-grade crossing of The Western Pacific Railroad Company's tracks, identified as Crossing 4-95.9.
3. Construction of the March Lane crossing should be equal or superior to Standard No. 4-C of General Order 72-B.
4. Protection at the March Lane crossing should be two Standard No. 9 automatic gate-type signals (General Order 75-C).
5. Clearances should be in accordance with General Order 26-D. Walkways should conform to General Order 118.
6. Construction costs of the March Lane crossing and installation and maintenance costs of the automatic protection should be borne in accordance with an agreement to be entered into among the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by The Western Pacific Railroad Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the construction costs of the crossing and the installation and maintenance costs of the automatic protection by further order.

7. Maintenance of the March Lane crossing should be in accordance with General Order 72-B.
8. Maintenance cost of the automatic protection should be borne in accordance with the agreement to be entered into among the parties relative thereto pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
9. Upon completion of the March Lane Crossing and its opening to vehicular traffic, applicant should remove and physically close the Fulton Street crossing.
10. Applicant is the lead agency for the projects to construct the March Lane Expressway between El Dorado Street and West Lane and to close the existing Fulton Street grade crossing of the tracks of The Western Pacific Railroad Company pursuant to the California Environmental Quality Act of 1970, as amended. On June 24, 1976 applicant approved its final Environmental Impact Report for the March Lane Expressway Project and on October 26, 1976 approved its Negative Declaration for the project to close the Fulton Street grade crossing. The Commission has considered the aforementioned final Environmental Impact Report and Negative Declaration and the respective Notices of Determination in rendering its decision on this project and finds that:
 - (a) The environmental impact of the proposed action is insignificant.
 - (b) The planned construction is the most feasible and economical that will avoid any environmental impact.
 - (c) There are no known irreversible environmental changes involved in this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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 is authorized to construct March Lane at grade and to close the crossing of Fulton Street (Crossing 4-95.9) at grade across the tracks of The Western Pacific Railroad Company in the City of Stockton, San Joaquin County, as set forth in the findings of this decision.
2. Within 30 days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of MARCH, 1977.

Robert Bateman
President

Veronica L. Stinson

Donna Ross

Richard O. Howell
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.