

Decision No. 87825 SEP 7 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
 Department of Transportation for orders)
authorizing the construction of three (3))
 crossings of State Route 120 at separation)
 of grade as follows: Over the Southern)
 Pacific Transportation Company's Niles)
 mainline track and two future tracks at)
 Highway Station Ramp "N" 50+05.61 and)
 approximate railroad mile post 78.8;)
 over the Southern Pacific Transportation)
 Company's El Paso via Martinez mainline)
 track, one spur track and one future)
 track at Highway Station 325+98.75 and)
 approximate railroad mile post 98.32; and)
 over the Western Pacific Railroad)
 Company's Oakland to Nevada mainline track)
 and one spur track at Highway Station)
 85+10.58 and approximate railroad mile)
 post 81.6 and for an order authorizing)
 the temporary relocation of existing grade)
 crossing, PUC No. B-98.60-C of Moffat)
 Boulevard across the spur track of the)
 Southern Pacific Transportation Company,)
 all in connection with the construction on)
 new alignment of State Route 120 from)
 Interstate 5 near Mossdale to State Route)
 99 in San Joaquin County.)

Application No. 57391
 (Filed June 21, 1977)

O P I N I O N

In connection with the construction of State Route 120 on new alignment from Interstate 5 near Mossdale to State Route 99 near Manteca, the State of California, Department of Transportation, requests authority to construct three grade separation structures, to be known as the "SR5 Connector Overhead" and the "Moffat Boulevard Overhead", both over the tracks of the Southern Pacific Transportation Company, and the "Wyche Overhead" over the tracks of The Western Pacific Railroad Company, all near the City of

Manteca in San Joaquin County. To permit construction of the Moffat Boulevard Overhead, authority is also requested to temporarily relocate the automatic gates at Crossing B-98.6-C.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the California Highway Commission approved the project to construct State Route 120 on new alignment from Route 5 near Mossdale to Route 99 and on September 24, 1976, filed a Notice of Determination with the Secretary for Resources which found that "The project will have a significant effect on the environment".

The major impact of the proposed project on the community of Manteca will be construction of the highway on a new southerly alignment through a predominantly rural agricultural and residential environment. The future existence of this highway on new alignment will add a new noise source for some residents living along the corridor.

The beneficial consequences of the proposed project are improved safety, improved traffic carrying capacity, and convenience to the motorist, by the realignment of the flow of regional cross valley traffic around a locally congested city. Improved traffic circulation will be beneficial to local traffic, including fire and police vehicles. A major traffic bottleneck on this heavily traveled inter-regional route will be eliminated.

Notice of the application was published in the Commission's Daily Calendar on June 22, 1977. 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 three crossings at separated grades to be known as the "SR5 Connector Overhead" and the "Moffat Boulevard Overhead" over the tracks of the

Southern Pacific Transportation Company and the "Wyche Overhead" over the tracks of The Western Pacific Railroad Company, all near the City of Manteca in San Joaquin County, at the locations and substantially as shown by the plans attached to the application, to be identified as Crossings D-78.8-A (SR5 Connector Overhead), B-98.5-A (Moffat Boulevard Overhead) and 4-81.6-A (Wyche Overhead).

2. Applicant should also be authorized to temporarily relocate the automatic gates at Crossing B-98.6-C to permit construction of the "Moffat Boulevard Overhead".

3. After completion of the Moffat Boulevard Overhead, the automatic crossing gates at Crossing B-98.6-C should be restored to their original location.

4. Clearances should be in accordance with General Order 26-D, except that during the period of construction, a clearance of not less than 21' 6" above top of rail is authorized over the tracks of the Southern Pacific Transportation Company and 21' 0" above top of rail over the tracks of The Western Pacific Railroad Company. The railroads are authorized to operate over their respective tracks with such reduced overhead clearances, provided that instructions are issued by the railroads and filed with the Commission forbidding employees to ride on tops of cars beneath the structures.

5. Applicant should notify the Commission and the affected railroad at least 15 but not more than 30 days in advance of the date when each temporary impaired clearance will be created.

6. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should be promptly restored to their original condition in the event of damage during construction.

7. Construction and maintenance costs should be borne in accordance with agreements to be entered into between the parties relative thereto, and copies of said agreements, together with plans of the crossings approved by the Southern Pacific Transportation Company and The Western Pacific Railroad Company, respectively,

should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

8. The California Highway Commission is the lead agency for the project to construct State Route 120 on new alignment from Route 5 near Mossdale to Route 99 pursuant to the California Environmental Quality Act of 1970, as amended, and on December 30, 1975 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the final Environmental Impact Report and Notice of Determination and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

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 State of California, Department of Transportation, is authorized to construct the "SR5 Connector Overhead" and the "Moffat Boulevard Overhead" over the tracks of the Southern Pacific Transportation Company, and the "Wyche Overhead" over the tracks of The Western Pacific Railroad Company, all near the City of Manteca in San Joaquin County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three 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.

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

Dated at San Francisco, California, this 7th day of SEPTEMBER, 1977.

Robert Bateman
President

William S. Jones Jr.

Robert D. Givens
Clare T. DeWalt
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.