

Decision No. 91884 JUN 3 1980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THE WESTERN PACIFIC RAILROAD COMPANY)
 for authority to construct an indus-)
 trial lead track at grade over and)
 across Industrial Drive near the City)
 of Stockton, County of San Joaquin,)
 State of California)

Application No. 59580
 (Filed April 9, 1980)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct an additional lead track at its existing grade crossing of Industrial Drive (Crossing 4-90.4) which presently includes one main line track and one lead track near the City of Stockton, San Joaquin County.

The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq. The site of the proposed project has also been inspected by the Commission staff.

The proposed lead track will provide rail service to CPC International Company and will also supplement existing service to the railroad's industrial property located northerly of Industrial Drive. The project is located in an existing light industrial area with many rail served industries.

Applicant advises that the industry to be served requires rail service at the earliest possible date and, therefore, requests that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on April 11, 1980. 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 an additional lead track at grade across Industrial Drive, near the City of Stockton, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing 4-90.4.

2. Construction of the lead track crossing should be equal or superior to Standard No. 1 of General Order 72-B.

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the crossing should be two Standard No. 9 automatic gate-type signals (General Order 75-C) which will be installed under a California Department of Transportation service contract.

5. For a period not to extend beyond September 1, 1980, protection at the crossing may be the two existing Standard No. 8 flashing light signals with one signal relocated to accommodate the additional lead track.

6. Construction cost of the crossing and relocation cost of the flashing light signal should be borne by the applicant.

7. Maintenance of the crossing should be in accordance with General Order 72-B.

8. Maintenance cost of the automatic gates should be shared equally by the applicant and the public agency having jurisdiction over the roadway at the crossing pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

9. The industry to be served requires rail service at the earliest possible date; therefore, the usual thirty-day waiting period should be waived.

10. The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

11. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

C O N C L U S I O N

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:

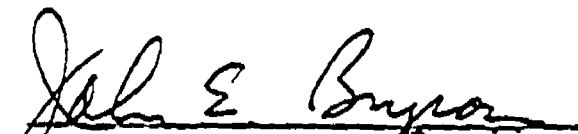
1. The Western Pacific Railroad Company is authorized to construct an additional lead track at grade across Industrial Drive near the City of Stockton, San Joaquin County, as set forth in the findings of this decision.

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 one year 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 is the date hereof.


Dated JUN 3 1980 , at San Francisco, California.



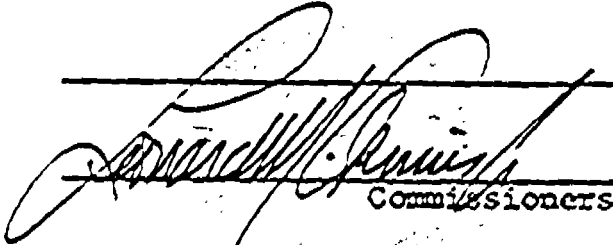
President



Commissioner



Commissioner



Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.