

T/ctb

Decision 93757 NOV 13 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of the City of Tracy to construct)
a City street across the right-)
of-way (a drill track) of the)
Western Pacific Railroad Company)
at Gandy Dancer Drive in the South)
Tracy area.)

Application 60795
(Filed August 6, 1981)

O P I N I O N

As part of the project to develop the Western Pacific Industrial Park, the City of Tracy requests authority to construct Gandy Dancer Drive at grade across Western Pacific Railroad Company's (WP) tracks in Tracy, San Joaquin County.

The City of Tracy 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, the City of Tracy issued a Negative Declaration and approved the project. On January 2, 1980, 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 independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project will create a 20-acre parcel for development within the Western Pacific Industrial Park located in the southwesterly area of the City of Tracy. Gandy Dancer Drive will be extended

eastward from Tracy Boulevard across the WP tracks. This will provide access from the west into the existing portion of the industrial park. Rail service is presently being provided to developed areas of the industrial park.

Notice of the application was published in the Commission's Daily Calendar on August 11, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Gandy Dancer Drive at grade across WP's tracks in Tracy, San Joaquin County.

2. The proposed crossing is required to provide additional access, improve traffic circulation, and increase convenience for an industrial development.

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

4. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms (General Order 75-C).

5. Applicant is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. The project will have no 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

1. The City of Tracy is authorized to construct Gandy Dancer Drive at grade across Western Pacific Railroad Company's (WP) tracks in Tracy, San Joaquin County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 4-71.69-C.

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

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

4. Protection at the crossing shall be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms (General Order 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by applicant.

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under PU Code Section 1202.2.

7. Construction plans of the crossing, approved by WP, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion, under 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

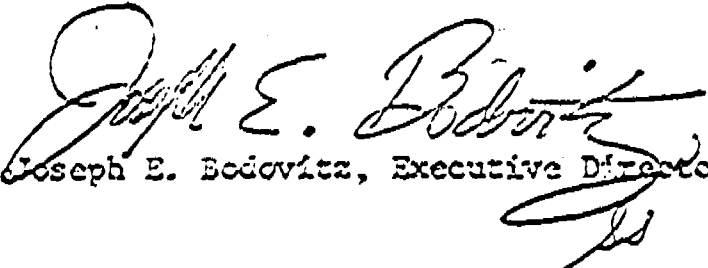
complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated NOV 15 1981, at San Francisco,
California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director