

ORIGINAL

Decision 93813 DEC - 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica- )  
tion of THE CITY OF STOCKTON )  
for authority to construct )  
Producers Drive at grade over )  
and across The Western Pacific )  
Railroad Company track )  
TIP 90-094 in the City of )  
Stockton, County of San Joaquin, )  
State of California. )

Application 60937  
(Filed September 23, 1981)

O P I N I O N

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

Applicant 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, applicant issued a Negative Declaration and approved the project. On May 27, 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.

Development of the Western Pacific Industrial Park, located near Stockton's southern city limits, is in conformance with applicant's General Plan. Producers Drive will be extended northward from Industrial Drive, over the North Fork of Little John Creek, and across WP's drill track. This will provide access from the south 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 September 29, 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 Producers Drive at grade across WP's drill track in Stockton, San Joaquin County.

2. The proposed crossing is required to provide additional access and improve traffic circulation 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

IT IS ORDERED that:

1. The City of Stockton is authorized to construct Producers Drive at grade across Western Pacific Railroad Company's (WP) drill track in Stockton, San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 4-90.74-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.

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8. Within 30 days after completion, under this order, applicant shall advise the Commission in writing.

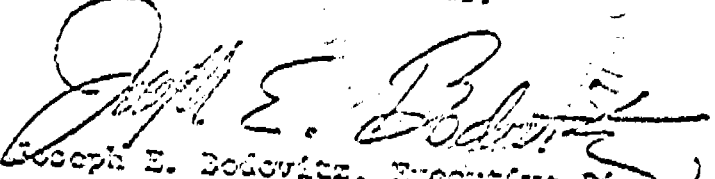
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated DEC - 1 1981, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director