

Decision 96-03-004 March 13, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison, Topeka )  
and Santa Fe Railway Company for )  
an order authorizing the widening )  
of an existing underpass structure )  
over Charter Way, near the City of )  
Stockton, California (P.U.C. )  
Crossing No. 2-1119.0-B; D.O.T. No. )  
029590D. )

Application 95-11-043  
(Filed November 22, 1995)

**ORIGINAL**

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company (ATSF) requests authority to construct a second main line track by widening the existing railroad structure over State Route 26 (Charter Way) in Stockton, San Joaquin County.

The existing Charter Way Underpass structure, Crossing 2-1119.0-B, carries one main line track and one yard track. On July 9, 1993, ATSF entered into an agreement with the State of California Department of Transportation (Caltrans) and the National Railroad Passenger Corporation which provided for the construction of additional capital improvements to ATSF's rail corridor between Bakersfield and Port Chicago (the "San Joaquin Improvement Project") in order to accommodate the providing of more frequent and efficient intercity rail service to the public.

Caltrans is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. Caltrans has determined that the proposed widening is categorically exempt from the requirements of CEQA under PR Code Section 21080(b)11.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination.

Application 95-11-043 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to construction of a railroad track across a public highway. A sketch of the crossing site is set forth in Appendix A.

The Commission's Safety and Enforcement Division Traffic Engineering staff has inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

ATSF has expressed a desire to begin construction at the earliest possible date, therefore, this order should be effective immediately.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 29, 1995. No protests have been filed.

2. ATSF requests authority under Public Utilities Code Sections 1201-1205 to construct a second main line track by widening the existing railroad structure over State Route 26 (Charter Way) in Stockton.

3. Public convenience, necessity, and safety require the construction of a second main line track and widening of the existing railroad structure over State Route 26 (Charter Way).

4. Caltrans is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's determination that the project is categorically exempt from CEQA requirements.

Conclusions of Law

1. The application is uncontested, and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

3. The usual 30 day effective date on an order should be waived as ATSF wishes to begin construction at the earliest possible date.

4. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code-Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company (ATSF) is authorized to construct a second main line track by widening the existing railroad structure over State Route 26 (Charter Way) in Stockton, San Joaquin County at the location and substantially as shown by plans attached to the application, identified as Crossing 2-1119.0-B.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by ATSF, the State of California Department of Transportation and the National Railroad Passenger Corporation, shall be filed by ATSF with the Commission's Safety and Enforcement Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, ATSP shall notify the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

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

7. The application is granted as set forth above.

This order is effective today.

Dated March 13, 1996, at San Francisco, California.

DANIEL Wm. FESSLER

President

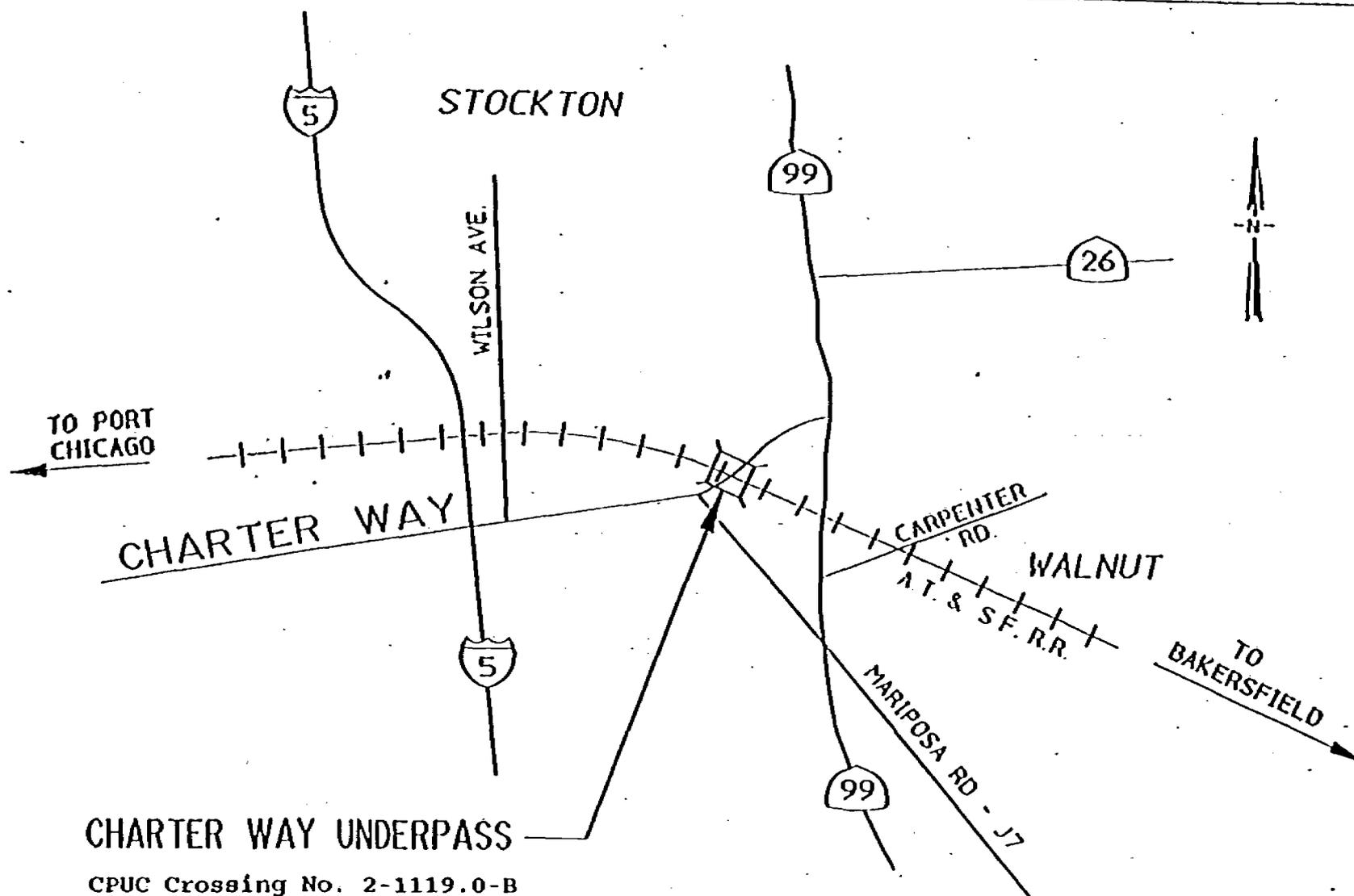
P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners



CHARTER WAY UNDERPASS

CPUC Crossing No. 2-1119.0-B

on State Route 26

VICINITY MAP

**EXHIBIT A**  
**CHARTER WAY**  
**UNDERPASS**

2-95-11-013 Sub/Case  
 APPENDIX A

FILE NO. 2-1119-0-B