

Decision 97-04-080 April 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF STOCKTON to)
construct a Class I Bikeway under the) Application 96-11-032
Southern Pacific Transportation Company) (Filed November 21, 1996)
at Mile Post 93.65 in the said City of)
Stockton, State of California.)

ORIGINAL

O P I N I O N

The City of Stockton (City) requests authority to construct Calaveras River Pedestrian/Bicycle Path (a Class I Bikeway) at separated grades under the Union Pacific Railroad Company (UP), former Southern Pacific Transportation Company, tracks in Stockton, San Joaquin County.

The proposed pedestrian/bicycle path will be constructed along the western bank of the Calaveras River. The 12-foot wide path will cross the railroad tracks at separated grades under the UP's existing Calaveras River Bridge. City proposes to construct a steel shelter under the existing railroad bridge for the protection of bicyclists and pedestrians. The proposed project will provide a convenient access to schools, employment and commercial centers, and recreational facilities.

City 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. City has determined that the project is categorically exempt from CEQA under California Code of Regulations, Title 14, Article 19 Section 15301(c) and 15304(h).

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

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division, Traffic Engineering Section (staff). The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 96-11-032 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38 which relates to the construction of a public road, highway, or street across a railroad. A sketch of the crossing project area is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 22, 1996. No protests have been filed.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct Calaveras River Pedestrian/Bicycle Path at separated grades, under UP tracks in Stockton, San Joaquin County.

3. City is the lead agency for this project under CEQA, as amended.

4. Public convenience, necessity, and safety require construction of the proposed bikeway.

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

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 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 City of Stockton (City) is authorized to construct Calaveras River Pedestrian/Bicycle Path (a Class I Bikeway) at separated grades, under the Union Pacific Railroad Company (UP) tracks in Stockton, San Joaquin County, at the location and substantially as shown on plans attached to the application and Appendix A of this order, to be identified as Crossing 001D-93.65-BD.
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 plans of the proposed crossing, approved by UP, together with a copy of the agreement entered into between the parties, shall be filed by City with the Commission's Rail Safety and Carriers Division prior to commencing construction.
5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within thirty (30) days after completion of the work under this order, City shall advise the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three (3) 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.

8. The application is granted as set forth above.

9. Application 96-11-032 is closed.

This order becomes effective thirty (30) days from today.

Dated April 23, 1997, at San Francisco, California.

P. GREGORY CONLON

President

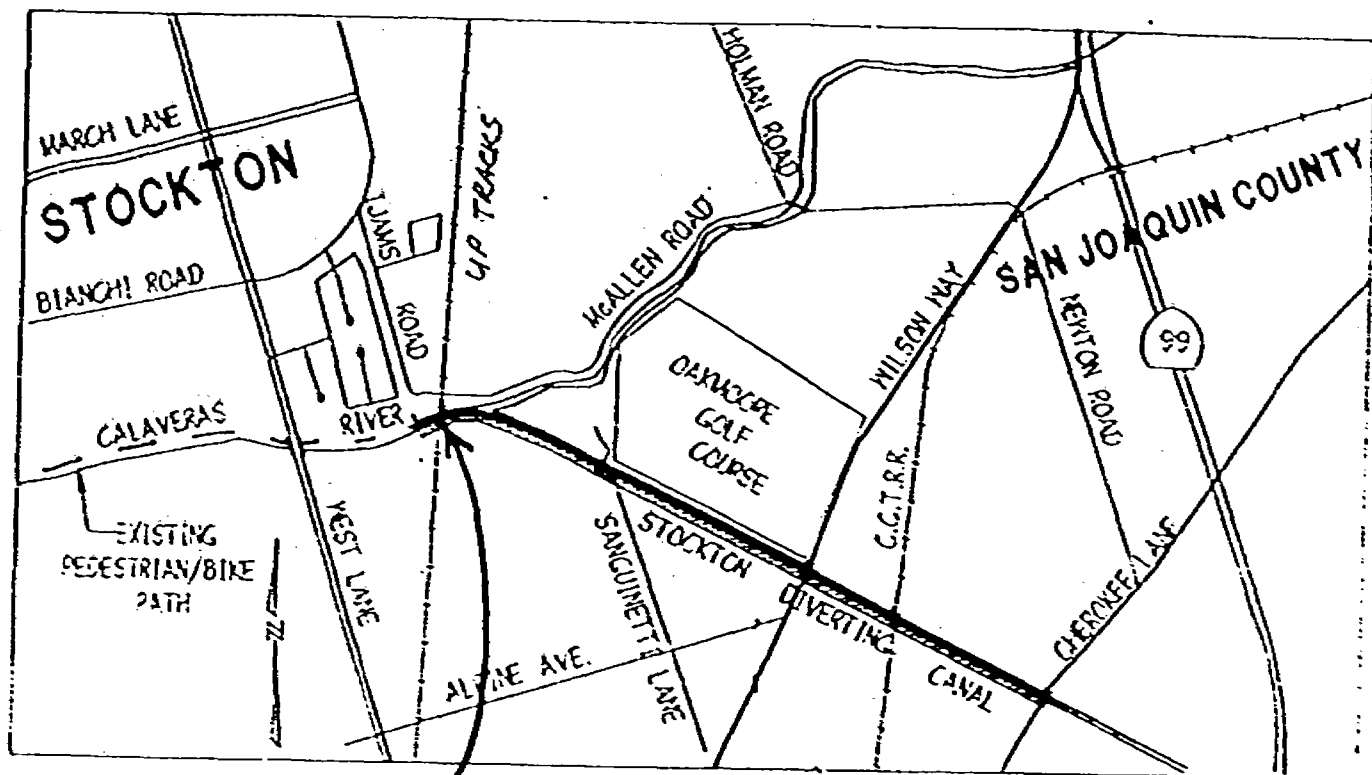
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



CPUC CROSSING NO.

001D-93.65-BD

VICINITY MAP



1"=2000'