

Decision 97-04-081 April 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF STOCKTON to )  
 construct One grade crossing of the )  
 Central California Traction Railroad )  
 Company and Class I Bikeway at Mile Post )  
 2.90 in the said City of Stockton, )  
 State of California. )

**ORIGINAL**

Application 96-11-031  
 (Filed November 21, 1996)

O P I N I O N

The City of Stockton (City) requests authority to construct Calaveras River Pedestrian/Bike Path at grade, across the Central California Traction Company (CCTR) tracks in Stockton, San Joaquin County.

The proposed 12-foot-wide Class I bikeway will provide passage across the CCTR line for bicyclists/pedestrians as part of the Calaveras River Bike Path Project. The project is a major east-west bikeway bisecting Stockton in the approximate centerline of the City. The project provides convenient access, by bike, to schools, employment centers, commercial centers, and recreational facilities.

The proposed crossing will be located on the south side of the Stockton Diverting Canal, near the approach of the CCTR railroad bridge. A grade-separated crossing was considered under the bridge but was deemed infeasible. Minimum vertical clearance could not be constructed because it would go below the Canal's flood level.

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 has been granted a categorical exemption under

A.96-11-031 RSAC/EDS

Article 19, and, specifically, by Section 15301(c) and Section 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 96-11-031 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 a Class I Bikeway, at grade, across the Central California Traction Company 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 crossing at grade.

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/Bike Path at grade, across the Central California Traction Company (CTTR) 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 061-2.90-D.

2. Protection at the crossing shall be two (2) modified Standard No. 10 automatic flashing light signals, modified to provide two (2) flashing light assemblies similar to those used on Standard No. 8 flashing light signals (General Order (GO) 75-C).

3. Construction of the crossing shall be equal to or superior to Standard No.1 of GO 72-B.

4. Maintenance of the crossing shall conform to GO 72-B.

5. Clearances shall be in accordance with GO 26-D.

6. 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.

7. Construction plans of the proposed crossing, approved by CCTR, 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.

8. 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.

9. 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.

10. This authorization shall expire if not exercised within two (2) 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.

11. The application is granted as set forth above.

12. Application 96-11-031 is closed.

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

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

P. GREGORY CONLON

President

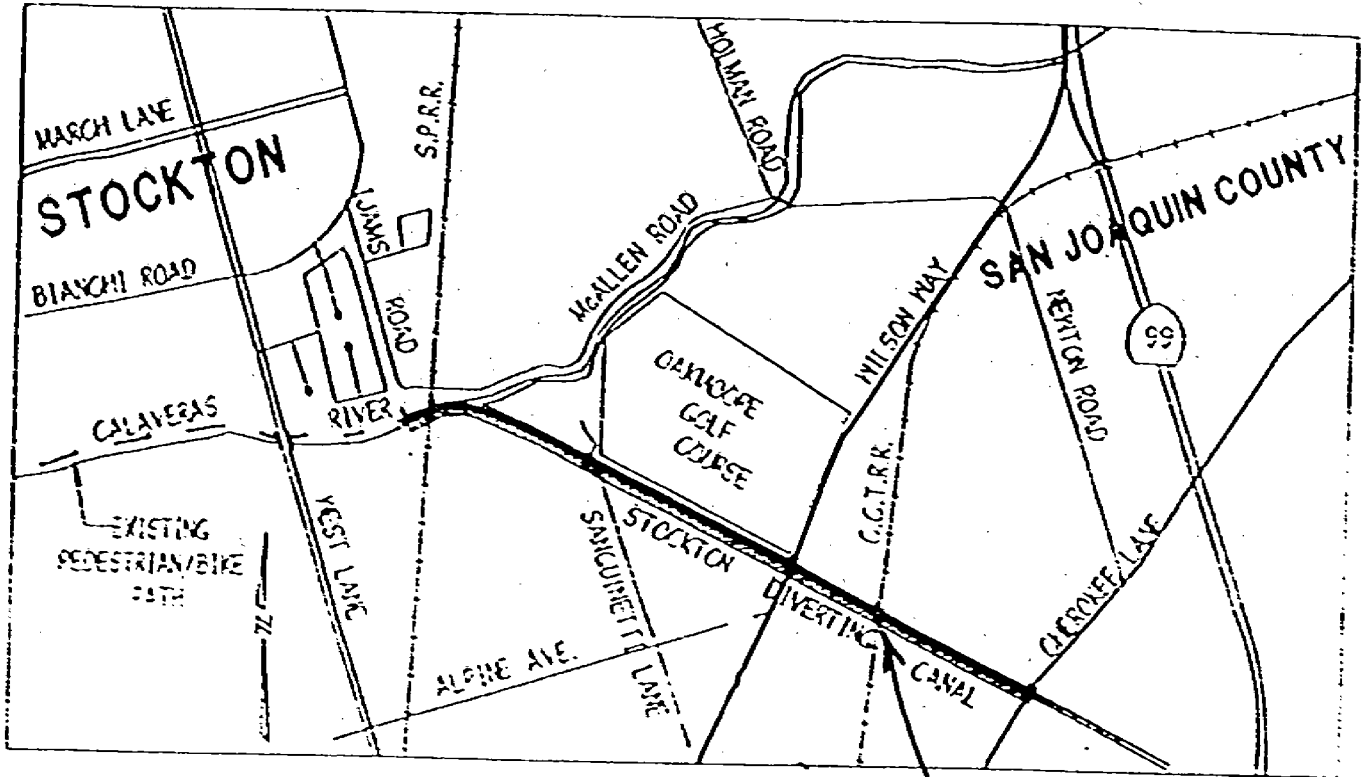
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

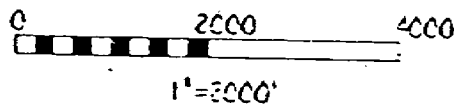
JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



VICINITY MAP



CPUC CROSSING NO.

061-2.90-D