

Mailed: 7/21/97

Decision 97-07-043 July 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application)
of THE CITY OF STOCKTON for)
authority to construct a crossing)
at separated grades between)
March Lane and tracks of the)
Southern Pacific Transportation Co.)
sometimes referred to as the)
"March Lane Underpass.")

Application 97-04-032
(Filed April 11, 1997)

O P I N I O N

The City of Stockton (City) requests authority to construct the March Lane Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP), formerly the Southern Pacific Transportation Company's, Oakland - Sacramento main line in Stockton, San Joaquin County. Authority is also requested to construct a temporary shoofly track just east of the existing tracks.

Extension of March Lane and the construction of the grade separation will provide a major east-west connector for Interstate Route (I) 5 and State Route (SR) 99, not subject to disruption by rail movements, and will improve safety of travelling public.

During construction of the underpass, trains will be routed onto a shoofly track, and there will be no public vehicular traffic across the tracks. Prior to opening the underpass to vehicular traffic the shoofly track will be removed.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

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

The Commission's Rail Safety and Carriers Division Traffic Engineering staff 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.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the crossing area is included as Appendix A. Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 15, 1997. No protests have been filed.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct the March Lane Underpass at separated grades under UP's Oakland - Sacramento main line tracks in Stockton, San Joaquin County.

3. Construction of the March Lane Underpass is required to complete the I-5/SR 99 east-west connection through Stockton.

4. Public convenience, necessity, and safety require construction of the March Lane Underpass.

5. Railroad operations require construction of a temporary shoofly track to the east of the existing tracks during construction of the March Lane Underpass.

6. Upon completion of the March Lane Underpass and prior to its opening to vehicular traffic, the shoofly track will be removed.

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

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical 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.

ORDER

IT IS ORDERED that:

1. The City of Stockton (City) is authorized to construct the March Lane Underpass at separated grades under the tracks of the Union Pacific Railroad Company's (UP), formerly the Southern Pacific Transportation Company's, Oakland - Sacramento main line in Stockton, San Joaquin County at the location and substantially as shown by plans attached to the application, to be identified as Crossing D-94.4-B.

2. City is also authorized to construct a temporary shoofly track east of the existing tracks during construction of the March Lane Underpass.

3. Upon completion of the underpass and prior to its opening to vehicular traffic the shoofly track shall be closed and physically removed.

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

5. 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.

6. 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 UP, shall be filed by City with the Commission's Rail Safety and Carriers Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

8. 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.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

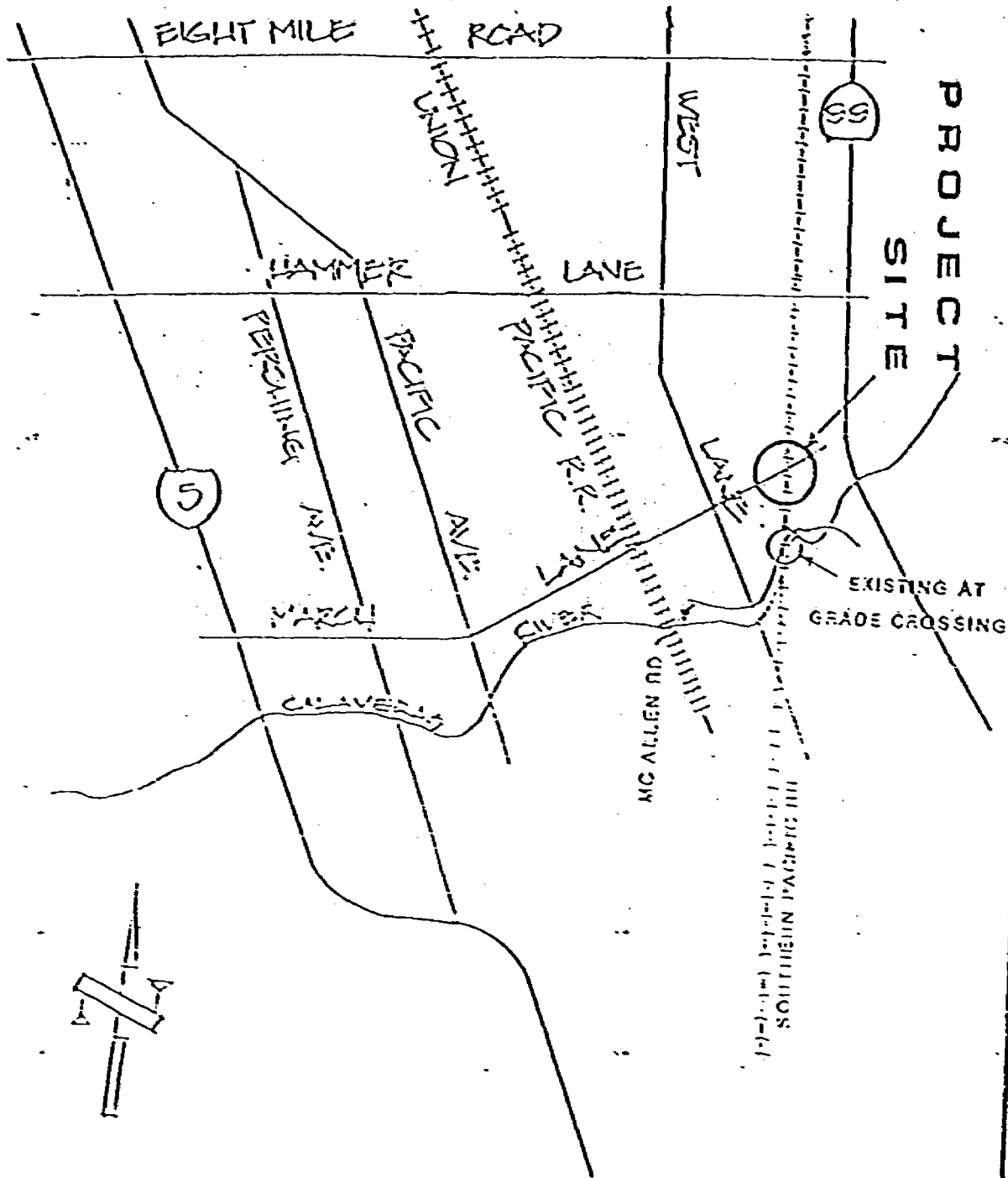
HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A



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|------------|---------|----------|
| No. | Revised | by |
| 1 | | |
| Drawn by | | RL |
| Checked by | | |
| Scale | | 1" = 15' |

VICINITY MAP

CITY OF STOCKTON
DEPARTMENT OF PUBLIC WORKS

| |
|------------------------|
| Approved by |
| _____ City Engineer |
| Date |
| Drawing No. |

Mailed: 7/21/97

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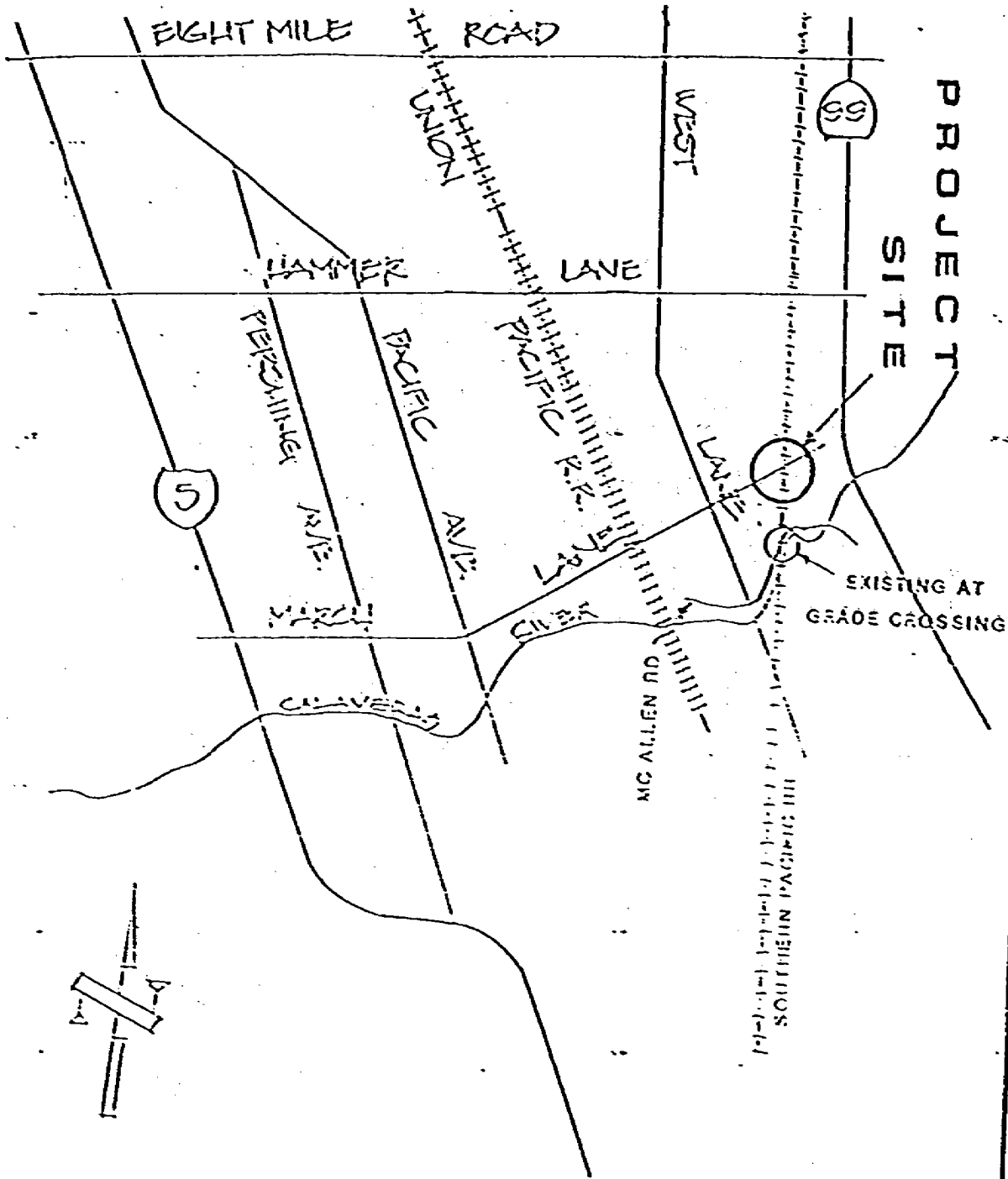
HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A



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|--------------------|---------|----|
| No. 1 | Revised | by |
| | | |
| Drawn by <i>RL</i> | | |
| Checked by | | |
| Scale <i>N 1/2</i> | | |

VICINITY MAP

CITY OF STOCKTON
DEPARTMENT OF PUBLIC WORKS

| |
|--------------------|
| Approved by |
| <i>[Signature]</i> |
| Date |
| Drawing No. |