

Decision 98-10-048 October 22, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The City of Lodi, for authorization)
to establish a city road across the)
railroad tracks of the Central)
California Traction Company.)
_____)

ORIGINAL

Application 98-02-050
(Filed February 27, 1998)

O P I N I O N

The City of Lodi (City) requests authority to construct the Guild Avenue at grade across the tracks of the Central California Traction Company's (CCTC) branch line in Lodi, San Joaquin County.

This project is part of the city's general plan to improve traffic over the next 20 years. Currently, Guild Avenue ends at Lodi Avenue, just north of the tracks. The plan calls for Guild to be extended south across the tracks, through a rapidly developing area on the eastern edge of town. Guild Avenue will become a north-south arterial bypassing the downtown area.

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. After preparation and review of an Environmental Impact Report, City approved the project. On February 24, 1998, a Notice of Determination was filed with the Office of Planning and Research which found that "The project will not have a significant effect on the environment" and "Mitigation measures were made a condition of approval of the project."

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

Environmental Impact Report.

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.

In Resolution ALJ-176-2988 dated March 12, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2988.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 9, 1998. No protests have been filed.
2. City requests authority under Public Utilities Code Sections 1201-1205 to extend Guild Avenue at grade across CCTC's branch line tracks in Lodi, San Joaquin County.
3. Extension of Guild Avenue is required to complete a north-south arterial bypassing the downtown area.
4. Public convenience, necessity, and safety require extension of Guild Avenue.
5. City is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Environmental Impact Report.

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 requested authority should be granted as soon as possible.

ORDER

IT IS ORDERED that:

1. The City of Lodi (City) is authorized to extend Guild Avenue at grade across the tracks of the Central California Traction Company's (CCTC) branch line in Lodi, San Joaquin County at the location and substantially as shown by plans attached to the application, to be identified as Crossing 61B-0.5.
2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.
3. Clearances shall be in accordance with GO 26-D.
4. 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.
5. Protection at the crossing shall be two No. 9-A automatic gate-type signals with cantilever lights (GO 75-C).
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 CCTC, 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 two 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.

10. Application 98-02-050 is closed.

This order becomes effective 30 days from today.

Dated October 22, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

APPENDIX A

