

Decision 99-02-008 February 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF STOCKTON to construct
One grade crossing of the Tidewater Southern
Railroad Company at Aviation Drive, within the
Airport Gateway Center in the said City of Stockton,
State of California

Application 98-07-016
(Filed July 6, 1998)

OPINION

As part of the Airport Gateway Center Project (Project), the City of Stockton (City) requests authority to construct Aviation Drive at-grade across the spur line track of the Union Pacific Railroad (UP). The spur line track is operated by the UP-owned Tidewater Southern Railroad (TSR).

The purpose of the Project is to develop approximately 191 acres of land directly west of the Stockton Metropolitan Airport. The Project establishes 25 sub-divisions within the parcel, each planned for industrial and/or administrative use. The Project site is bounded roughly by Sperry Road, Airport Way, French Camp Slough, and the UP mainline right-of-way.

Within the project area, the TSR-operated track is on a northwest-southeast alignment, splitting the site in half. The proposed alignment for Aviation Drive runs southwest-northeast, perpendicular to the track. This alignment, in conjunction with the existing crossing at Sperry Road, provides the connections between "eastern" and "western" portions of the development. A map of the Project site is set forth as Appendix A.

The proposed crossing of Aviation Drive across the spur line can be characterized as follows: a two-lane, bi-directional roadway with a 60' wide travel way (including 12' wide raised median) at-grade across a single track right-of-way with an angle of 90 degrees measured

between centerlines of the roadway and track. City proposes the installation of two CPUC Standard No. 9-A automatic gate-type signals with cantilever, one on each approach. A sketch of the proposed crossing is set forth as Appendix B.

The 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. After preparation and review of an Environmental Impact Report (EIR) and Supplemental Environmental Impact Report (SEIR), the City approved the project. On April 27, 1998, City filed a Notice of Determination with the County Clerk of San Joaquin County which states that "the project will have a significant effect on the environment. Mitigation measures were incorporated as part of the approval of this the project. A statement of Overriding Considerations was adopted for this project."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR, SEIR, and Notice of Determination.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division (RSAC), 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 98-07-016 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.

In Resolution ALJ 176-2997 dated July 23, 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 RSAC 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 176-2995.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 17, 1998. No protests have been filed.
2. City of Stockton requests authority, under Public Utilities Code Sections 1201 - 1205, to construct Aviation Drive at-grade across the spur line track of UP, in said City, San Joaquin County.
3. Public convenience and necessity require construction of the Aviation Drive crossing.
4. Public safety requires that the crossing be equipped with two Standard No. 9-A automatic gate-type signals with cantilever, in accordance with General Order 75-C.
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 EIR, SEIR, and Notice of Determination.
7. The project will have a significant effect on the environment. Mitigation measures were incorporated as part of the approval of this project. A statement of Overriding Considerations was adopted for this project.

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.

ORDER

IT IS ORDERED that:

1. The City of Stockton (City) is authorized to construct Aviation Drive at-grade across the spur line track of the Union Pacific Railroad (UP), at the location and substantially as shown on the plans attached to the application, to be identified as Crossing 075-1.35.
2. The crossings shall be fitted with two Standard No. 9-A automatic gate-type signals with cantilever, as specified in General Order (GO) 75-C.
3. Clearances shall be in accordance 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. 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 by City with the Commission's Rail Safety and Carriers Division (RSAC), prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Final construction plans, approved by UP, shall be filed by City with RSAC prior to commencing construction.

7. Within thirty (30) days after completion of the work under this order, City shall advise the Commission's Traffic Engineering Section in writing that the authorized work has been completed.

8. 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.

9. This application is granted as set forth above.

10. Application 98-07-016 is closed.

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

Dated February 4, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners



