

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



September 22, 2011

File Number: G.10-01-002

Steve Escobar
Deputy Port Director
Port of Stockton
2201 W. Washington Street
Stockton, CA 95201

Re: Amended General Order 88-B Request for Authority to Alter the Port of Stockton Expressway Highway-Rail Crossing, CPUC Crossing No. 002-1125.20, DOT No. 029637C in the Port of Stockton, San Joaquin County

Dear Mr. Escobar:

This refers to your letter dated July 18, 2011 and received by us on August 4, 2011 requesting to amend Commission General Order (GO) 88-B, G.10-01-002, that permits the Port of Stockton (Port), to grade-separate the existing at-grade highway-rail crossing of the BNSF Railway (BNSF) track in the Port, San Joaquin County. The crossing is identified as Port of Stockton Expressway (formerly Daggett Road) Highway-Rail Crossing, CPUC Crossing No. 002-1125.20, DOT No. 029637C.

The crossing is currently a single track crossing equipped with two Commission Standard 9 (flashing light signal assembly with automatic gate arm) warning devices. At this location, Port of Stockton Expressway is a two-lane road running north/south. BNSF currently runs approximately 25 freight trains per day and Amtrak runs approximately 8 passenger trains per day on this track.

During construction, the Port originally requested a temporary impaired vertical clearance of 22 feet that was authorized under G.10-01-002 dated February 8, 2010. The proposed amendment changes the request to 21 feet 6 inches. Commission General Order (GO) 26-D, Section 2.1, requires a minimum vertical clearance of 22 feet 6 inches. The Port requests a temporary deviation from the vertical clearance requirements of GO 26-D. The Rail Crossings Engineering Section (RCES) of the Commission's Consumer Protection and Safety Division contacted BNSF regarding the temporary deviation, and their representative indicated in a letter dated July 14, 2011 that they do not oppose the request. The minimum permanent vertical clearance above top of rail will be 23 feet 4 inches.

In all other respects, authorization granted in the original G.10-01-002 dated February 8, 2010 shall remain in full force and effect.

Staff has investigated the Port's request, and finds it adequately addresses compliance and safety.

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As the Port and BNSF are in agreement as to the change in the temporary vertical clearance, you may proceed with the improvements as described in your request letter and attachments, and summarized above.

All parties shall comply with all applicable rules, including Commission General Orders and CA MUTCD.

This project is statutorily exempt from the requirements of the California Environment Quality Act of 1970, as amended [California Pubic Resources Code 21080.13].

Pursuant to Commission Resolution SX-76 and Section 16.2 of General Order (GO) 26-D, the Port is granted a temporary deviation from GO 26-D, Section 2.1 and is authorized a temporary overhead clearance of not less than 21 feet 6 inches above the top of the highest rail to the lowest of point on the overhead structure, during the period of construction of the Port of Stockton Expressway structure, CPUC Crossing No. 002-1125.20-A, DOT No. 029637C in the Port of Stockton, San Joaquin County.

The following requirements shall apply to the temporary deviation to GO 26-D, Section 2.1: Because the requested deviation still results in a clearance that meets BNSF railroad standards, no further requirements beyond those of the railroad are applicable.

This authorization shall expire if the above conditions are not complied with or if the work is not completed within three years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved parties in support of the time extension. If an extension is requested, the Commission's Rail Crossings Engineering Section (RCES) may reevaluate the crossing prior to granting an extension.

Within 30 days after the at-grade crossing is removed, BNSF shall notify RCES that the authorized work is completed, by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Also, within 30 days after final completion of this project, the Port shall notify RCES that the authorized work is completed, by submitting a completed Commission Standard Form G. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

If you have any questions, please contact David Stewart at (916) 928-2515 or atm@cpuc.ca.gov.

Sincerely,



Daren Gilbert, Manager
Rail Transit and Crossings Branch
Consumer Protection and Safety Division

John Stilley, Manager Public Projects, BNSF Railway Company