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PUBLIC UTILITIES COMMISSION

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February 8, 2010

File Number: G.10-01-002

Jeff Kaspar
Deputy Port Director
Port of Stockton
2201 W. Washington Street
Stockton, CA 95201

Re: 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. Kaspar:

This refers to your letter dated December 18, 2009 and received by us on January 14, 2010 requesting authorization pursuant to Commission General Order (GO) 88-B to grade-separate the existing at-grade highway-rail crossing of the BNSF Railway (BNSF) track in the Port of Stockton (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.

The Port states in its GO88-B request letter that "The proposed Grade Separation of the Port of Stockton Expressway will improve safety by removing the existing at-grade highway-rail crossing, which may reduce potential conflicts with both passenger and freight trains crossing this location. Currently, approximately eight (8) passenger trains and twenty-five (25) freight trains travel this route daily. The grade separation will also improve the movement of vehicular and truck traffic in and out of the Port facilities."

During construction, the Port is requesting a temporary impaired vertical clearance of 22 feet. 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 they do not oppose the request. The minimum permanent vertical clearance above top of rail will be 23 feet 4 inches.

Also, during construction, the Port is requesting a temporary horizontal clearance of 15 feet. Since this is within the requirements of Commission General Order (GO) 26-D, Section 3, a temporary deviation is not needed. The minimum permanent horizontal clearance will be 25 feet.

The Port states in its GO88-B request letter that “No temporary traffic control is proposed at the existing crossing. A grade separation will be constructed parallel and west of the existing Port of Stockton Expressway crossing. Access to the existing Port of Stockton Expressway at-grade crossing will be maintained during construction of the grade separation. The at-grade crossing and approaches will be removed when the grade separation is put into service.”

The proposed alteration as indicated in the request letter and/or shown in the attachments shall consist of:

- Constructing the grade separated structure parallel and adjacent to the existing at-grade crossing.
- The existing at-grade crossing will remain open while the overhead structure is constructed.
- The at-grade crossing and its approaches will be removed when the grade separation is put into service.

The overpass will be identified as CPUC Crossing No. 002-1125.20-A.

Staff has investigated the Port’s request, and finds it adequately addresses compliance and safety. As the Port and BNSF are in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, 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 Public 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 22 feet 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:

1. The Port shall notify BNSF and the Sacramento office of the Commission’s Consumer Protection and Safety Division – Rail Operations Safety Branch (ROSB) and Rail Crossings Engineering Section at least 15 days but not more than 30 days in advance of the date when the Port will create the temporary reduced overhead clearance. Commission notification may be made to rces@cpuc.ca.gov.

2. BNSF shall issue instructions to all individuals responsible for operation of trains over these tracks of the temporary reduced clearance of 22 feet beneath the Port of Stockton Expressway structure, and shall submit the instructions in advance of the date when the Port will create the temporary reduced overhead clearance to the Sacramento office of ROSB and RCES. Notification may be made to rces@cpuc.ca.gov.

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) 324-7134 or atm@cpuc.ca.gov.

Sincerely,



Daren Gilbert, Supervisor
Rail Crossings Engineering Section
Consumer Protection and Safety Division

C: John Stille
Manager Public Projects
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