

TLR \*

Decision No. 83057

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
APPLICATION OF THE COUNTY OF MADERA }  
TO }  
RELOCATE A RAILROAD CROSSING ON } Application No. 54702  
TOZER STREET ACROSS THE AT&SF RAIL- } (Filed March 1, 1974)  
WAY TRACK IN THE COUNTY OF MADERA. }

O P I N I O N

The County of Madera requests authority to relocate the grade crossing at Tozer Street and tracks of The Atchison, Topeka and Santa Fe Railway Company.

The County of Madera is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on March 29, 1974, filed a Negative Declaration with the Commission.

Notice of the application was published in the Commission's Daily Calendar on March 5, 1974. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to relocate Tozer Street at grade across The Atchison, Topeka and Santa Fe Railway Company tracks near the City of Madera in the County of Madera, to the location and substantially as shown by plans attached to the application, identified as Crossing No. 2-1020.7-C.
2. Costs of relocating the crossing should be borne by the applicant.
3. The County of Madera is the lead agency as defined in CEQA Guidelines, Sections 15030 and 15064. The Commission has considered the county's Negative Declaration in rendering its decision on this project.

The Commission accepts said Negative Declaration and finds that:

- (a) The environmental impact of this proposed action is insignificant.
- (b) The planned construction is the most feasible and economical that will avoid any environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

4. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with applicable rules and general orders of the Commission.

#### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

#### O R D E R

IT IS ORDERED that:

1. The County of Madera is authorized to relocate Tozer Street at grade across tracks of The Atchison, Topeka and Santa Fe Railway Company, near the City of Madera, County of Madera, to the location substantially as shown by plans attached to the application, identified as Crossing No. 2-1020.7-C.
2. Protection at the crossing shall be two Standard No. 1R signs (General Order No. 75-C).
3. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B).
4. Width of crossing and grades of approach shall be as shown on plans attached to the application.
5. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

6. Relocation expense of the crossing shall be borne by the applicant.

7. Construction plans of the crossing approved by The Atchison, Topeka and Santa Fe Railway Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

8. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

9. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of JUNE, 1974.

Vernon L. Stevens  
President  
William J. ...  
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...  
Commissioners