

ORIGINALDecision No. 84056

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Butte)
 for an order authorizing the con-
 struction of grade separation
 structure and the elimination of
 crossing at grade by erection of
 structure at Southern Pacific
 Milepost C-179.5 and County Road
 No. 26311 Midway.

Application No. 55392
 (Filed December 16, 1974)

O P I N I O N

The County of Butte requests authority to construct a grade separation at Midway Road over the tracks of the Southern Pacific Transportation Company and to close and abandon the existing at-grade crossing of Midway Road (Crossing No. C-179.5) in the County of Butte.

The priority list of grade separation projects for the fiscal year 1974-75, as set forth in Decision No. 23066, shows this project as Priority No. 16.

The County of Butte is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on January 16, 1975, approved an Environmental Impact Report.

Notice of the application was published in the Commission's Calendar on December 20, 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 construct Midway Road at separated grades over the Southern Pacific Transportation Company's tracks and to abandon and physically close the existing Midway Road grade crossing (Crossing No. C-179.5) in the County of Butte, at the location and substantially as shown by plans attached to the application.

2. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto.

3. The Commission has considered the applicant's Environmental Impact Report in rendering its decision on this project. The Commission accepts said Environmental Impact Report and finds that the environmental impact of this proposed action is not significant.

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 Butte is authorized to construct Midway Road at separated grades over the tracks of the Southern Pacific Transportation Company in the County of Butte, at the location and substantially as shown by plans attached to the application, identified as Crossing No. C-179.51-A.

2. Clearances shall be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21' 6" above top of rail is authorized and the Southern Pacific Transportation Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars.

3. The applicant shall notify the Commission and the Southern Pacific Transportation Company at least 15, but not more than 30 days in advance of the date when the temporary impaired clearance will be created.

4. Walkway areas adjacent to the railroad tracks shall be maintained free of obstruction and shall promptly be restored to their original condition in the event of damage during construction.

5. The existing at-grade crossing of Midway Road (Crossing No. C-179.5) shall be abandoned and effectively closed upon completion of the Midway Road overpass.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto and a copy of said agreement, together with plans of said crossing, approved by the Southern Pacific Transportation Company, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

7. 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 three 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 Diego, California, this 4th day of FEBRUARY, 1975.

Vernon L. Sturgeon
President

William J. ...

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Leonard Ross
Commissioners