

Decision No. 84358**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
 Department of Transportation, for an)
 order authorizing the construction of)
 First Avenue South Overhead, Shanks Road)
 Overhead and Bradbury Road Overhead. To)
 modify and improve existing public grade)
 crossing of El Capitan Way, PUC No. B-131.8,) Application No. 55399
 and to eliminate three existing public) (Filed December 19, 1974)
 grade crossings, PUC Nos. B-133.1, B-132.1,)
 and B-130.4, all over the tracks of the)
 Southern Pacific Transportation Company's)
 tracks, in and near the community of Delhi,)
 Merced County.)

O P I N I O N

The State of California, Department of Transportation, requests authority to construct; as part of the project to improve State Route 99 to freeway standards through the community of Delhi in Merced County, crossings at separated grades to be known as "Bradbury Road Overhead", "Shanks Road Overhead", and "First Avenue South Overhead", and to alter and improve the grade crossing at El Capitan Way, and to close the existing grade crossings at Merced Avenue, Gaddy Street, and Second Avenue South, all across the tracks of the Southern Pacific Transportation Company.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on October 16, 1974 approved a Negative Declaration and Environmental Study.

Notice of the application was published in the Commission's Daily Calendar on December 23, 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 "Bradbury Road Overhead", "Shanks Road Overhead" and "First Avenue South Overhead" at separated grades, to alter and improve the grade crossing at El Capitan Way, and to close the grade crossings at Merced Avenue, Gaddy Street and Second Avenue South, all across the tracks of the Southern Pacific Transportation Company through the community of Delhi, Merced County.
2. Construction and maintenance expense of the overheads, and construction expense of the grade crossing and installation costs of its automatic protection, should be borne in accordance with an agreement to be entered into between the parties relative thereto.
3. Maintenance expense of the automatic protection should be shared equally by the railroad and the governmental body having jurisdiction over the crossing at the time said maintenance costs are incurred in accordance with Section 1202.2 of the Public Utilities Code.
4. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.
5. The Commission has considered the California Highway Commission's Negative Declaration and finds with reasonable certainty that this project will not have a significant effect on the environment.

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 California Department of Transportation is authorized to construct Bradbury Road, Shanks Road and First Avenue South at separated grades over tracks of the Southern Pacific Transportation Company in and near the community of Delhi, County of Merced, at the locations and substantially as shown by plans attached to the application, to be identified as "Bradbury Road Overhead", Crossing No. B-130.4-A; "Shanks Road Overhead", Crossing No. B-131.4-A; and "First Avenue South Overhead", Crossing No. B-132.5-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 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 top of cars. The applicant shall notify the Commission and the affected railroad at least fifteen but not more than thirty days in advance of the date when temporarily impaired clearances will be created.

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

4. The California Department of Transportation is authorized to alter and improve El Capitan Way at grade across the tracks of the Southern Pacific Transportation Company in the community of Delhi, County of Merced, at the location and substantially as shown by plans attached to the application, identified as Crossing No. B-131.8.

5. Construction of the El Capitan Way grade crossing shall be equal or superior to Standard No. 2. (General Order No. 72-B).

6. Width of the crossing and grades of approach shall be as shown on plans attached to the application.

7. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

8. Crossing protection at El Capitan Way shall be two Standard No. 9-A automatic gate type signals with cantilever arms (General Order No. 75-C).

9. Construction and maintenance expense of the overheads, and construction expense of the grade crossing and installation costs of its automatic protection, 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 crossings 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 costs of construction and maintenance by further order.

10. Maintenance costs of the automatic protection shall be shared equally by the railroad and the governmental body having jurisdiction over the crossing at the time said maintenance costs are incurred pursuant to Section 1202.2 of the Public Utilities Code.

11. Maintenance of the El Capitan Way grade crossing shall be in accordance with General Order No. 72-B.

12. Upon completion of "First Avenue South Overhead", the existing grade crossings at Second Avenue South, Crossing No. B-133.1, and at Gaddy Street, Crossing No. B-132.1, located 3200 feet south and 2100 feet north, respectively, of "First Avenue South Overhead" shall be abandoned and physically closed.

13. Upon completion of the "Bradbury Road Overhead", the existing grade crossing at Merced Avenue, Crossing No. B-130.4, located adjacent to the proposed site of the "Bradbury Road Overhead", shall be abandoned and physically closed.

14. 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. 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 22nd day of 1 APRIL, 1975.

Vernon L. Sturgeon
President
William Symons Jr.
Donald Ross
Robert Peterson
Commissioners