

Decision No. 86133

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 reconstruction of) Application No. 56441
 existing Nubieber Overhead, Bridge) (Filed April 28, 1976)
 No. 7-27, State Route 299, over the)
 tracks of the Burlington Northern, Inc.,)
 County of Lassen.)

O P I N I O N

The State of California, Department of Transportation, requests authority to reconstruct the grade separation known as "Nubieber Overhead" State Route 299, over the tracks of Burlington Northern, Inc., Crossing 9-89.4-A in Lassen County.

State Route 299 is the major east-west route between Eureka on the west, through Redding and Alturas, to Nevada on the east. The existing overhead, of pile and timber construction, will be replaced by a three-span concrete slab overhead as a special Federal bridge replacement fund project. During the period of reconstruction, a temporary detour at-grade crossing will be required.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. Applicant alleges that this project is categorically exempt from the requirements of CEQA pursuant to Title 21 (Public Works), Chapter 2, Section 1510.1 (C) (19) of the California Administrative Code.^{1/}

Notice of the application was published in the Commission's Daily Calendar on April 29, 1976. No protests have been received. A public hearing is not necessary.

^{1/}Title 21, Chapter 2, Section 1510.1 of the California Administrative Code provides for the categorical exemption of Class 1 activities (Existing Facilities). The specific project activity covered by Subsection (C) (19) is "Alteration or widening of existing structure where the primary function and utility remains unaltered."

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to reconstruct the "Nubieber Overhead", State Route 299, grade separation over the tracks of Burlington Northern, Inc., in Lassen County, at the location and substantially as shown by Exhibits "A", "B" and "C" attached to the application, identified as Crossing 9-89.4-A.

2. Applicant should also be authorized to construct a temporary detour crossing at grade across State Route 299 to be identified as Crossing 9-89.41.

3. Protection at the temporary detour crossing should be two Standard No. 9 automatic gate-type signals (General Order 75-C).

4. Clearances should be in accordance with General Order 26D, except that during the period of reconstruction a clearance of not less than 21'0" above top of rail should be authorized and Burlington Northern, Inc., should be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

5. Applicant should notify the Commission and Burlington Northern, Inc., at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

6. Walkways adjacent to any temporary, reconstructed, or new trackage should comply with General Order 118. Walkway areas adjacent to the railroad tracks in service should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

7. Construction and maintenance costs should 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 the crossing approved by Burlington Northern, Inc., should 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.

8. Upon completion of reconstruction of the "Nubieber Overhead" and its opening to vehicular traffic, the temporary detour grade crossing should be physically closed and the automatic protection removed.

9. It can be seen with certainty that there is no possibility that the activity in question can 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 State of California, Department of Transportation, is authorized to reconstruct "Nubieber Overhead", State Route 299, at separated grades over the tracks of Burlington Northern, Inc., in Lassen County as set forth in the findings of this decision.

2. 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 14th day of July, 1976.

William L. Squire Jr. President
Vernon L. Sturgeon
Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.
Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.
Commissioners