

T/ALA/bcy

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JUN 20 1988

ORIGINAL

Decision 88 06 038 JUN 17 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF FRESNO for)
 an Order authorizing the construction)
 of a new Grade Crossing across the) Application 88-04-009
 tracks of the Southern Pacific Trans-) (Filed April 4, 1988)
 portation Company and Cedar Avenue in)
 the City of Fresno, County of Fresno.)

O P I N I O N

The City of Fresno (City) requests authority to construct Cedar Avenue at grade across the tracks of Southern Pacific Transportation Company's (SPT) Clovis Branch in Fresno, Fresno County.

Cedar Avenue has been designated as an arterial highway on the major street and highway plan for the Fresno-Clovis Metropolitan Area. The extension of Cedar Avenue to the north across the tracks will provide access to planned development in that area.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On May 10, 1988, a Notice of Determination was filed with the Fresno County Clerk which found that "the proposed project will not have a significant adverse effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project

has been inspected by the Commission staff, which examined the need for and safety of the proposed crossing. The staff recommends that the sought authority be granted subject to installation of four automatic gate-type signals with cantilevers.

Application 88-04-009 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to construction of a public highway across a railroad.

Notice of the application was published in the Commission's Daily Calendar on April 7, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Cedar Avenue at grade across the tracks of SPT's Clovis Branch in Fresno, Fresno County.

2. The proposed crossing is required to provide access to proposed development to the north.

3. Public convenience and necessity require construction of the proposed crossing.

4. Public safety requires that protection at the crossing be four Standard No. 9-A automatic gate-type signals with cantilevers (General Order (GO) 75-C).

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Fresno (City) is authorized to construct Cedar Avenue at grade across Southern Pacific Transportation Company's (SPT) tracks in Fresno, Fresno County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BS-221.7.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.

3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

4. Protection at the crossing shall be four Standard No. 9-A automatic gate-type signals with cantilevers (GO 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

7. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion of the work under this order, City shall advise the Commission in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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10. The application is granted as set forth above.
This order becomes effective 30 days from today.
Date JUN 17 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
C. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weiss, Executive Director
DB

12' 12' 10'

10 SHEPHERD

600-10-88' W 1/4 T

AVENUE

S. 0.009

S. 0.008

58' 65' 10' 16' 8' 16' 10'

8'-2"

RAILROAD TRACKS

8'-2"

S. 0.013

SECTION LINE

SOUTH 1/4 CORNER SECTION 23-1E/20

OF STREET CONSTRUCTION

E. SHEPHERD

BOULEVARD

N. CEDAR

Appendix A

