

Decision 90 07 059 JUL 18 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF FRESNO for)
an Order authorizing relocation of a)
Grade Crossing across the tracks of)
The Atchison, Topeka and Santa Fe)
Railroad and Bullard Avenue in the)
City of Fresno, County of Fresno, to)
the Figarden Drive crossing across)
The Atchison, Topeka and Santa Fe)
Railroad.)

ORIGINAL

Application 90-05-028
(Filed May 15, 1990)

O P I N I O N

As part of a project to improve city streets in Assessment District 104, the City of Fresno (City) requests authority to relocate an existing public at-grade crossing (Bullard Avenue, Milepost 1005.8) to a new vehicular at-grade crossing (Figarden Drive, Milepost 1006.1) across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line tracks in the City of Fresno, Fresno County.

Figarden Drive is designated as an arterial highway on the circulation element of the 1984 Plan. The Drive originates at Bullard Avenue west of Marks Avenue and loops until it merges with Brawley Avenue at Barstow Avenue. City chose for Figarden Drive a loop design in order to minimize the number of required railroad crossings between a large subdivision and other parts of Fresno.

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. City prepared an Initial Study and issued a Negative Declaration. On May 23, 1990, City filed a Notice of Determination with the County Clerk which found that "The project will not have a significant 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 application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is included as Appendix A.

The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed rail crossing, and recommends issuance of an ex parte order authorizing construction of the proposed crossing subject to installation of automatic gate-type signals as protection. A grade separation is not practicable at this time at the proposed Figarden Drive location due to right-of-way and funding restrictions.

To improve the riding quality and durability of the relocated crossing, City requests an exemption from General Order (GO) 72-B to permit the installation of a rubber grade crossing surface, which crossing surface is not included within the standards of GO 72-B. Since there appears to be ample justification for the installation of a rubber grade crossing surface in this instance, an exemption from GO 72-B to permit the installation will be granted.

Notice of the application was published in the Commission's Daily Calendar on May 18, 1990. 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 relocate an at-grade crossing across the tracks of AT&SF's main line in Fresno, Fresno County.

2. Relocation of the at-grade crossing is an essential part of a project to improve city streets in Assessment District 104.

3. Public convenience and necessity require relocation of the at-grade crossing.

4. The relocated Figarden Drive crossing will be within 200 feet of the intersection of Santa Fe Avenue; therefore, the traffic control signals at the intersection require preemption upon the approach of trains.

5. Public safety requires that protection at the Figarden Drive crossing be one Standard No. 9-A automatic gate-type signal with cantilever and three Standard No. 9 automatic gate-type signals (GO 75-C).

6. The public and the railroad will benefit from installation of a rubber crossing surface at the relocated crossing.

7. Upon completion of the relocated crossing, and its opening to vehicular traffic, the existing Bullard Avenue grade crossing is required to be closed and physically removed.

8. City is the lead agency of this project under CEQA, as amended.

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

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

Conclusions of Law

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

2. An exemption from GO 72-B should be granted to permit installation of a rubber grade crossing surface at the crossing.

ORDER

IT IS ORDERED that:

1. The City of Fresno (City) is authorized to relocate Crossing 2-1005.8 (Bullard Avenue) at-grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Fresno, Fresno County, to Figarden Drive at the location and substantially as shown on plans attached to the application, to be identified as Crossing 2-1006.1.

2. City is granted an exemption from GO 72-B to permit installation of a rubber grade crossing surface at the crossing.

3. Construction of the crossing shall be in accordance with the provisions of GO 72-B except that a rubber grade crossing surface shall be installed.

4. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

5. Protection at the crossing shall be one Standard No. 9-A automatic gate-type signal with cantilever and three Standard No. 9 automatic gate-type signals (GO 75-C).

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

7. 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.

8. Construction plans of the crossing, approved by AT&SF, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety Division prior to commencing construction.

9. Upon completion of the relocated crossing and its opening to vehicular traffic, the existing Bullard Avenue grade crossing, Crossing 2-1005.8, shall be closed and physically removed.

10. Traffic control signals at the adjacent intersection of Santa Fé Avenue and Figarden Drive shall be preempted upon the approach of trains.

11. Within 30 days after completion of the work under this order, City shall notify the Commission's Safety Division in writing that the authorized work has been completed.

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

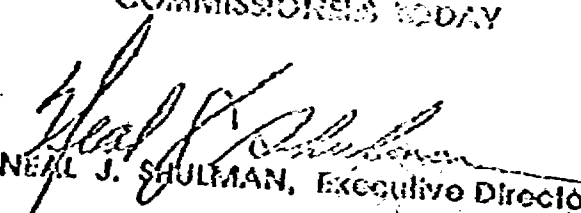
13. The application is granted as set forth above.

This order becomes effective 30 days from today.

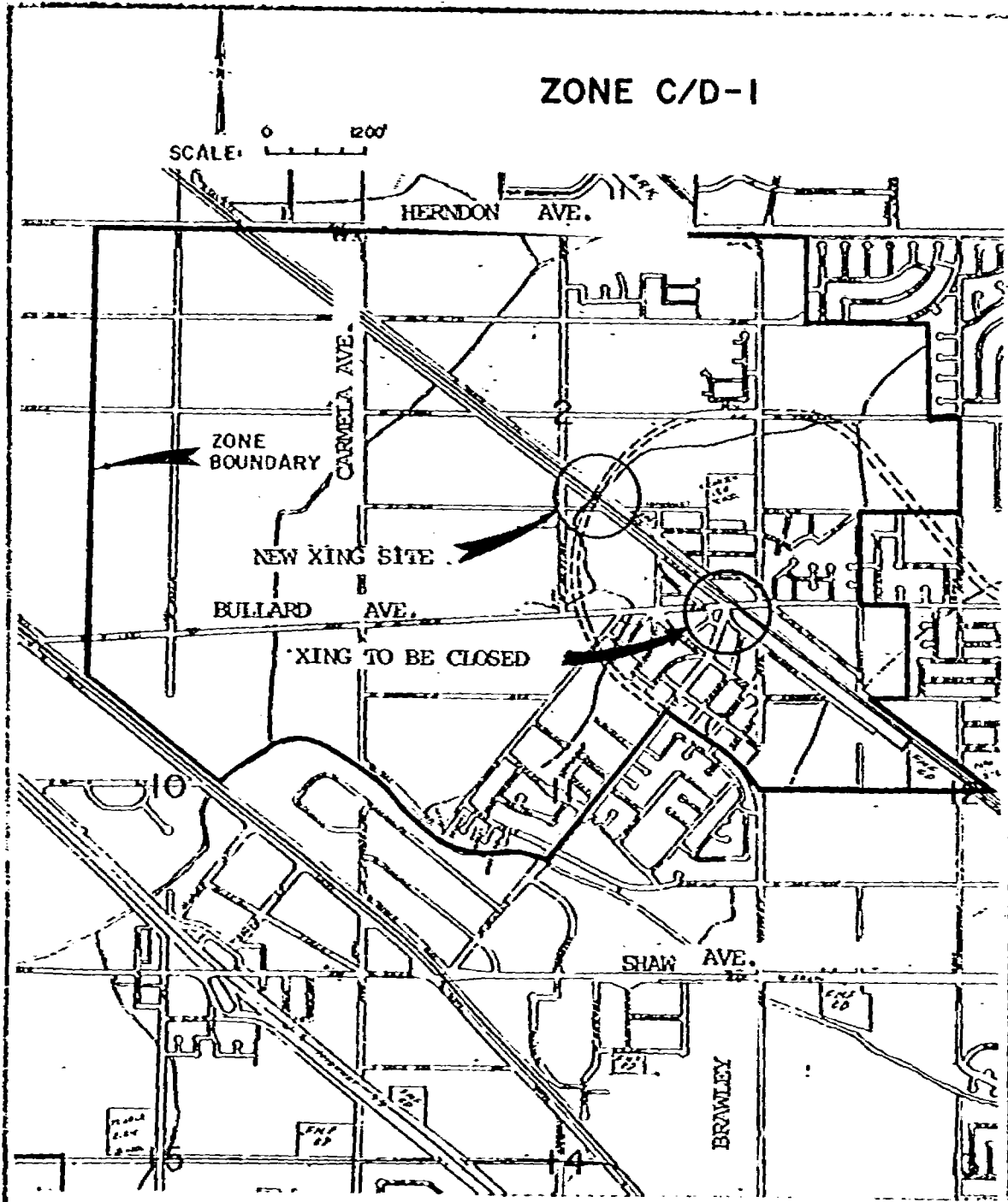
Dated JUL 18 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHULMAN, Executive Director

pb



CITY OF FRESNO - Department of Public Works

FIGARDEN AT-GRADE
RAILROAD CROSSING
SERVICE AREA

DATE	1/11/80
DRAWN BY	JAM
CHECKED BY	
APPROVED BY	