

S/ELB/bcy

Decision 90 10 027 OCT 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Merced )  
a political subdivision of the State )  
of California, for permission to )  
construct a relocated at-grade )  
crossing over Southern Pacific Trans- )  
portation Company's railroad tracks )  
at the realigned Ingomar Grade loca- )  
tion and to close the existing Malta )  
Road Railroad crossing, No. BA-131.8.)

Application 90-07-012  
(Filed July 6, 1990)

O P I N I O N

As part of a project to realign Ingomar Grade, Malta Road, and Ingomar Road, the County of Merced (County) requests authority to relocate an existing public at-grade crossing (Malta Road, Crossing BA-131.8) to a new vehicular at-grade crossing (Ingomar Grade) across the tracks of Southern Pacific Transportation Company's (SPT) West Side San Joaquin Valley Main Line in Merced County. The realignment will eliminate a sharp 25 mile per hour curve just east of the railroad line and facilitate the free movement of vehicular traffic over the relocated crossing. The proposed Ingomar Grade crossing will be approximately 200 feet south of the existing Malta Road crossing.

County 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 of an Initial Study, County issued a Negative Declaration and approved the project. On October 26, 1987, County 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 relocated crossing subject to installation of automatic gate-type signals with cantilevered flashing lights as protection. A grade separation is not practicable at this time for Ingomar Grade due to right-of-way and funding restrictions.

Notice of the application was published in the Commission's Daily Calendar on July 12, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities (PU) Code Sections 1201-1205 to relocate an at-grade crossing across the tracks of SPT's West Side San Joaquin Valley Main Line in Merced County.

2. Relocation of the at-grade crossing is an essential part of a project to realign Ingomar Grade, Malta Road and Ingomar Road.

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

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

5. Upon completion of the relocated crossing, and its opening to vehicular traffic, the existing Malta Road grade crossing is required to be closed and physically removed.

6. County the lead agency of this project under CEQA, as amended.

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

8. 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.

ORDER

IT IS ORDERED that:

1. The County of Merced (County) is authorized to relocate Crossing BA-131.8 (Malta Road) at-grade across the tracks of The Southern Pacific Transportation Company's (SPT) West Side San Joaquin Valley Main Line in Merced County, to Ingomar Grade at the location and substantially as shown on plans attached to the application, to be identified as Crossing BA-131.9.

2. Construction of the crossing shall be in accordance with the provisions of GO 72-B.

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

4. Protection at the crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers (GO 75-C), to be installed under a California Department of Transportation Service Contract.

5. Construction expenses of relocating the crossing shall be borne by County.

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be shared equally by County and SPT 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's Safety Division prior to commencing construction.

8. Upon completion of the relocated crossing and its opening to vehicular traffic, the existing Malta Road grade crossing, Crossing BA-131.8, shall be closed and physically removed.

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

10. 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.

11. The application is granted as set forth above.

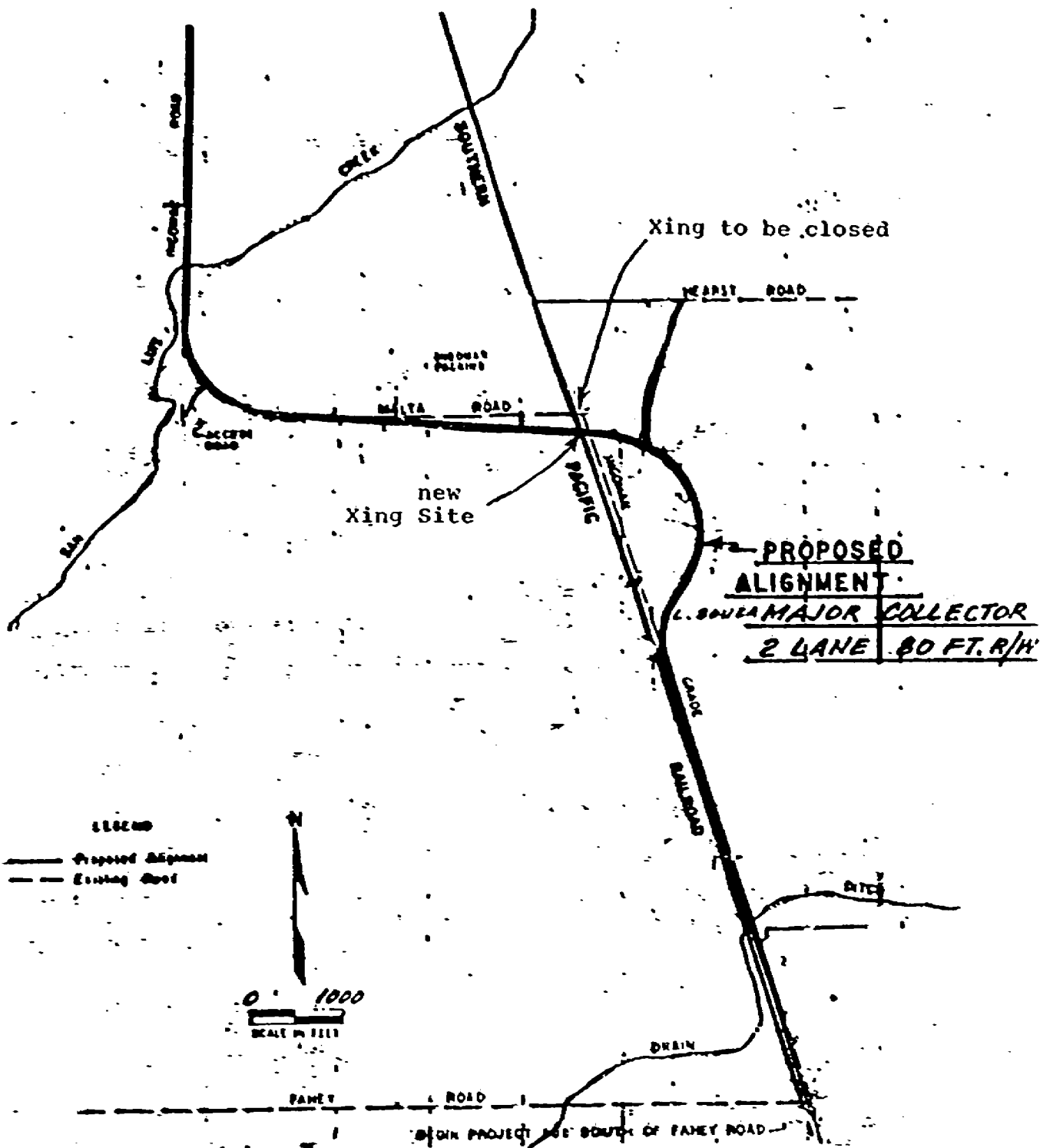
This order becomes effective 30 days from today.

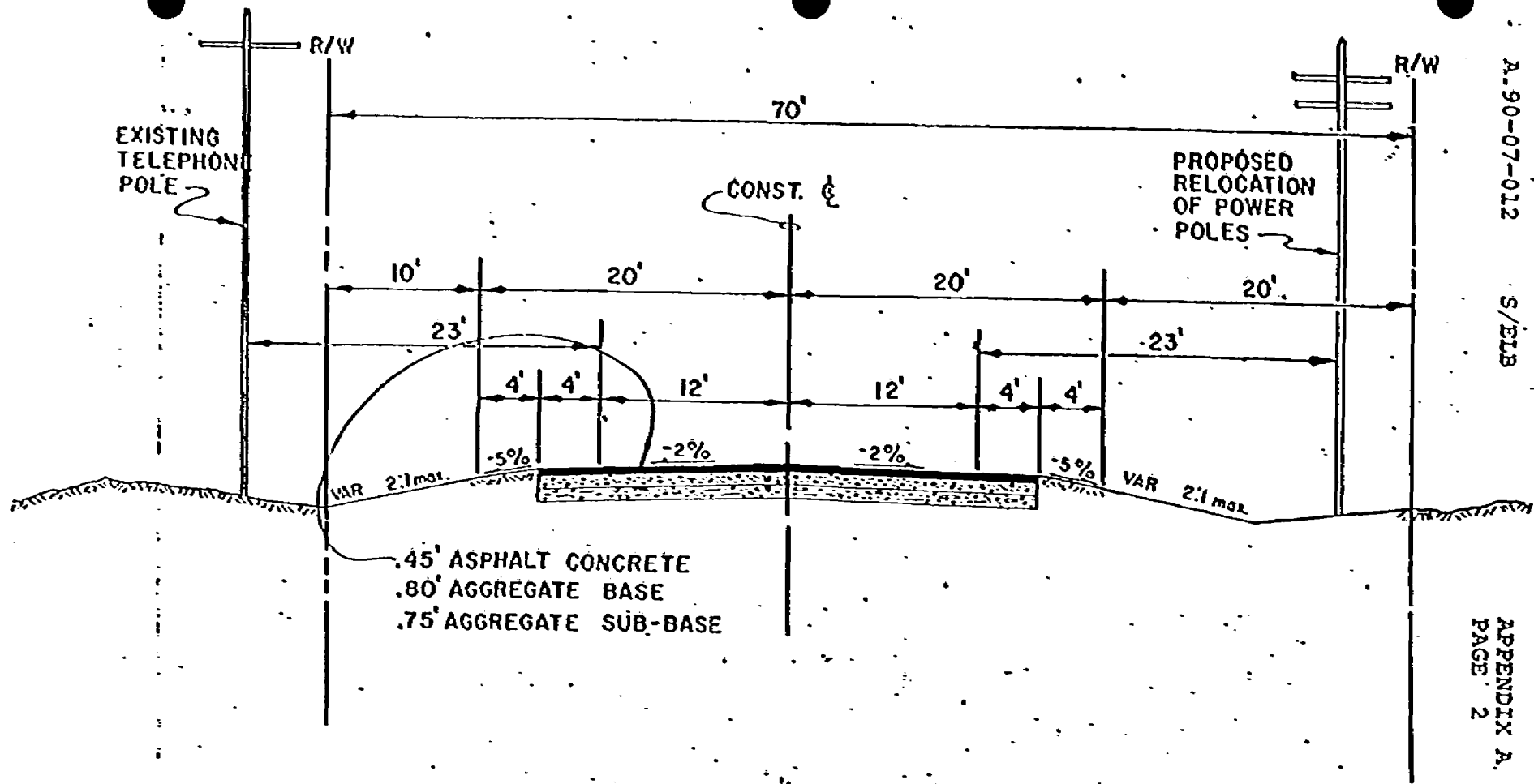
Dated OCT 12 1990 , at San Francisco, California.

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. Skulman*  
NEAL J. SKULMAN, Executive Director





A.90-07-012

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APPENDIX A.  
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# TYPICAL SECTION

MERCED COUNTY  
DEPARTMENT OF PUBLIC WORKS  
MERCED, CALIFORNIA

TYPICAL SECTION For  
INGOMAR GRADE, MALTA ROAD, & INGOMAR ROAD  
REALIGNMENT & RECONSTRUCTION