

S/ELB*

Decision 91-06-036 June 19, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
Department of Transportation, for an)
order authorizing the Department to:)
Redeck and widen Fresno Yard Overhead)
(Clinton Ave.). This structure crosses)
the Southern Pacific Transportation)
Company's tracks at the referenced PUC)
crossing in the City of Fresno,)
County of Fresno, State of California.)

ORIGINAL
Application 91-02-088
(Filed February 19, 1991)

OPINION

The State of California, Department of Transportation (Caltrans), requests authority to widen the Fresno Yard Overhead (Clinton Avenue) at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) El Paso Main Line in Fresno, Fresno County.

The proposed widening of the structure will add two lanes for through traffic and a median area on Clinton Avenue. The project will alleviate current and projected peak hour traffic congestion, and will improve traffic connections to the adjacent Route 99 freeway. Widening will take place on the south side of the existing structure.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an initial study, Caltrans issued a Negative Declaration and approved the project. On March 22, 1990, a Notice of Determination was filed with the Office of Planning and Research 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 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 construction, and recommends issuance of an ex parte order authorizing widening of the Fresno Yard Overhead.

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 crossing area is included as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 25, 1991. No protests have been received. A public hearing is not necessary.
2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to widen the Fresno Yard Overhead at separated grades over the tracks of SPT's El Paso Main Line in Fresno, Fresno County.
3. Widening of the Fresno Yard Overhead is required to improve roadway capacity and reduce congestion.
4. Public convenience, necessity, and safety require widening of the Fresno Yard Overhead.
5. Caltrans 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 not have a significant effect 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 State of California, Department of Transportation (Caltrans), is authorized to widen the Fresno Yard Overhead (Clinton Avenue) at separated grades over the tracks of Southern Pacific Transportation Company's (SPT) El Paso Main Line in Fresno, Fresno County, at the location and substantially as shown by plans attached to the application, identified as Crossing B-201.9-A.
2. Clearances shall be in accordance with General Order (GO) 26-D, except that during the period of construction a clearance of not less than 21 feet 6 inches above top of rail shall be authorized, and SPT shall be authorized to operate with such reduced overhead clearance provided that the railroad issues instructions (and files them with the Commission's Safety Division) forbidding employees to ride on tops of cars beneath the structure.
3. Caltrans shall notify the Commission's Safety Division and SPT at least 15, but not more than 30 days in advance of the date when the temporary impaired overhead clearance will be created.
4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, shall be filed with the Commission's

Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

7. This authorization shall expire if not exercised within three 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.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated June 19, 1991 at San Francisco, California.

PATRICIA M. ECKERT

President

G. MITCHELL WILK

JOHN B. OHANIAN

DANIEL Wm. FESSLER

NORMAN D. SHUMWAY

Commissioners

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

Neal J. ...
NEAL J. ...
Director

A. 91-02-011 S/ELB
APPENDIX A

