

91 09 037

SEP 06 1991

Decision _____

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:)
 Construct the widening of the existing)
 Fortuna Overhead structure)
 (PUC No. 85-266.6-A) in the City of)
 Fortuna, Humboldt County, State of)
 California.)

Application 91-03-059
 (Filed March 27, 1991)

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to widen the existing Fortuna Overhead along U.S. Route 101 (US-101) over Eureka Southern Railroad Company's (ESR) main line tracks in Fortuna, Humboldt County.

The existing Fortuna Overhead, Crossing 85-266.6-A, consists of two structures, one for northbound and another for southbound traffic lanes. Caltrans proposes to widen in the median and close the space between the two existing structures. The proposed work includes widening of about 12 feet and installation of new barrier rails. The project, by providing shoulders and upgrading railing, will improve safety on US-101.

Caltrans 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. Caltrans has determined that the project is categorically exempt from CEQA under Title 21 (Department of Transportation), subchapter 11, Section 1510.1 of the California Administrative Code.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination.

The Commission's Safety Division Traffic Engineering staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

Application 91-03-059 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to the widening of an existing public highway across a railroad. A sketch of the crossing is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 1, 1991. No protests have been received.
2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to widen the existing Fortuna Overhead at separated grades over ESR's main line tracks in Fortuna, Humboldt County.
3. Widening of the overhead is required to provide shoulders, upgrade barrier railing, and improve roadway safety.
4. Public convenience, necessity, and safety require widening of the 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 categorical exemption determination.

Conclusions of Law

1. The application is uncontested, and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.
3. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div.

6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

ORDER

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to widen the existing Fortuna Overhead along US-101 at separated grades over Eureka Southern Railroad Company's (ESR) main line tracks in Fortuna, Humboldt County, at the location and substantially as shown by plans attached to the application, identified as Crossing 85-266.6-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 ESR 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 ESR at least 15, but not more than 309 days in advance of the date when the temporary impaired 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 ESR, 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 notify 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 SEP 06 1991, at San Francisco, California.

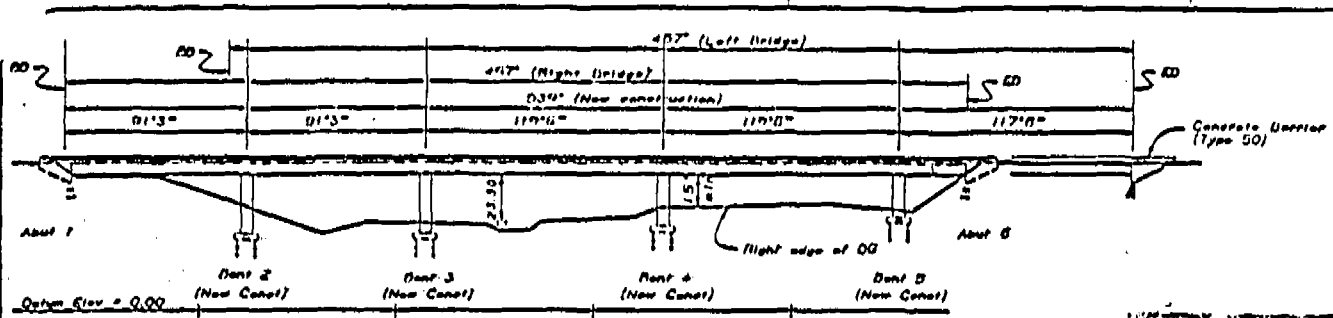
I abstain.

G. MITCHELL WILK
Commissioner

PATRICIA M. ECKERT
President
JOHN B. OCHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director



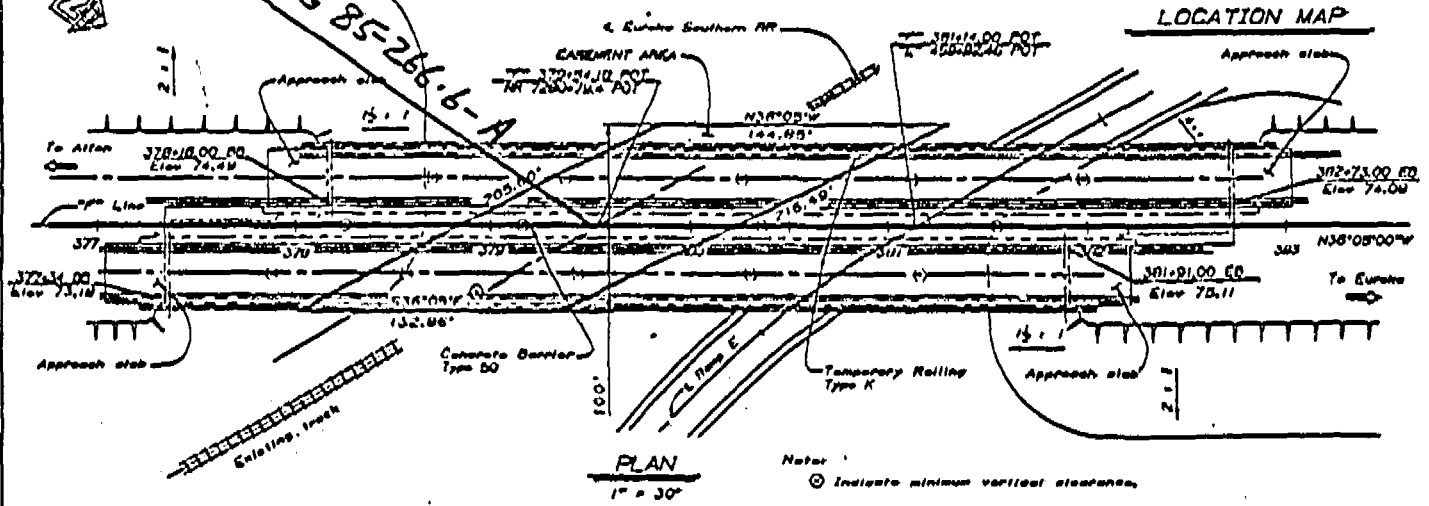
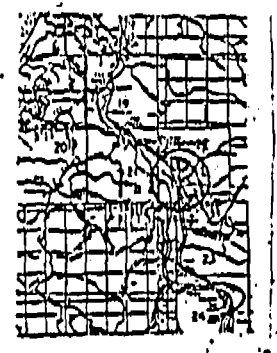
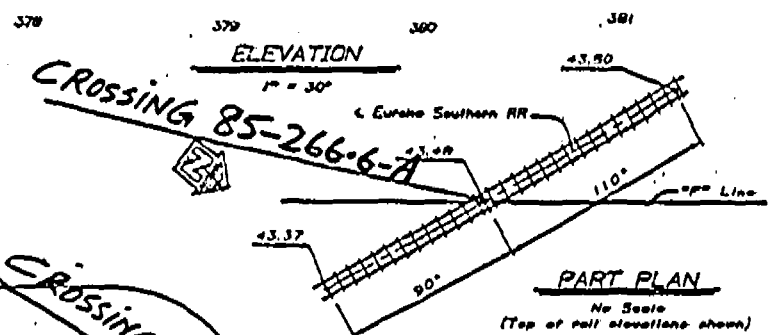
DATE	DESIGN	NAME	SCALE	SHEET NO.	TOTAL SHEETS
01	Plan	101			

REGISTERED ENGINEER - CIVIL

SEAL OF THE PROFESSIONAL ENGINEER

STATE OF CALIFORNIA

DATE APPROVAL 01/17



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION	DIVISION OF STRUCTURES STRUCTURE DESIGN 6	FORTUNA OVERHEAD (WIDEN)	
		PUBLIC UTILITIES COMMISSION SHEET-EXHIBIT "B"	
PROJECT NO. 6A-269201	DATE 01/17	SCALE 1" = 30'	SHEET NO. 101

A.91-03-059 S/ASC APPENDIX A