

S/ELB

Decision **91 09 082** SEP 25 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF FRESNO )  
for an order authorizing construction )  
of two crossings at separated grades )  
between Shaw Avenue and Marks Avenue )  
under the tracks of The Atchison, )  
Topeka & Santa Fe Railway Company, )  
sometimes referred to as the "Shaw- )  
Marks Avenue Underpasses" (P.U.C. )  
2-1004.2 and 2-1004.5). )

**ORIGINAL**

Application 89-05-065  
(Petition for Modification  
filed June 17, 1991)

ORDER MODIFYING DECISION 89-09-025

By Decision (D.) 89-09-025, dated September 7, 1989, in Application (A.) 89-05-065, the Commission authorized the City of Fresno (City) to construct two crossings at separated grades on Shaw and Marks Avenues under the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in Fresno, Fresno County. The decision also authorized the construction of a temporary two-lane detour grade crossing of a shoofly track for use during the period of construction and required the installation of automatic gate-type signals as protection.

City filed a Petition for Modification of D.89-09-025 on June 17, 1991, requesting that D.89-09-025 be modified to allow changes in the design of the proposed temporary detour road. The changes include providing four lanes of traveled way instead of two to accommodate anticipated heavy traffic on Shaw Avenue, providing a two phase construction plan, and lengthening the construction timetable. The detour road will create temporary crossings of both a shoofly track and the existing tracks during separate phases of construction. The tracks will be close enough to one another that one pair of gate-type signals with cantilevers will be used as protection for both phases.

City has encountered a number of lost workdays because of delays in engineering, obtaining governmental approvals, and right of way acquisitions. Consequently it will require an additional two years beyond the authorized three years to complete the project.

The Commission's Safety Division staff has inspected the project site. After reviewing the need for and safety implications of City's request, the staff recommends that the requested modifications be granted.

Findings of Fact

1. Notice of the Petition for Modification of D.89-09-025 was published in the Commission's Daily calendar on June 24, 1991. No protests have been received.

2. City requests authority under Public Utilities Code Sections 1201-1205 to provide a temporary four lane detour roadway across the a shoofly track and existing tracks during separate phases of construction. City also requests an additional two years to complete the project.

3. Modification of D.89-09-025 is required to provide better traffic flow on Shaw Avenue during construction, adequate protection at the temporary grade crossings, and additional time to complete the project.

Conclusions of Law

1. The petition for modification is uncontested, and a public hearing is not necessary.

2. City's request to modify D.89-09-025 should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that D.89-09-025 shall be modified as follows:

1. Ordering Paragraph 3 is modified to read "Protection at the temporary detour grade crossings shall be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C)."

2. The City of Fresno is granted a two year extension of time to September 7, 1994, within which to exercise the authority granted by D.89-09-025, as modified herein.

3. In all other respects D.89-09-025 shall remain in full force and effect.

This order becomes effective 30 days from today.

Dated SEP 25 1991, at San Francisco, California.

I abstain

G. MITCHELL WILK  
Commissioner

PATRICIA M. ECKERT  
President  
JOHN B. O'HANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director