

Decision 83 02 060 FEB 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of the UNITED STATES OF AMERICA, )  
acting by and through the Forest )  
Service, Department of )  
Agriculture, for Permission to )  
convert a private Crossing at )  
Grade of the Tracks of McCLOUD )  
RIVER RAILROAD COMPANY to a Public )  
grade crossing approximately )  
Twenty Five miles east of the town )  
of McCloud in the COUNTY OF )  
SISKIYOU STATE OF CALIFORNIA. )

Application 82-11-57  
(Filed November 29, 1982)

O P I N I O N

The United States Department of Agriculture, Forest Service (USFS), requests authority to convert the existing private crossing of USFS Road 40N08 (also known as Car A Road) at grade across the tracks of McCloud River Railroad Company's (McCRR) Main Line to a public crossing in Siskiyou County.

The Commission 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. The site of the proposed project has been inspected by the Commission staff.

The crossing is located in the Bear Mountain area of the Shasta-Trinity National Forest and will become part of a Forest Service Transportation System Road. The road will be used as a main haul route for a portion of a scheduled timber sale.

Notice of the application was published in the Commission's Daily Calendar on December 6, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. USFS requests authority under Public Utilities Code Sections 1201-1205 to convert the existing private crossing of USFS Road 40N08 at grade across the tracks of McCRR's Main Line to a public crossing in Siskiyou County.

2. The proposed public crossing is required to provide a main haul route for a portion of a scheduled timber sale.

3. Public convenience and necessity require conversion of the existing private crossing to a public railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 1-R crossing signs (General Order 75-C).

5. The Commission is the lead agency for this project under CEQA, as amended.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

7. 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.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. The United States Department of Agriculture, Forest Service (USFS), is authorized to convert the existing private crossing of USFS Road 40N08 at grade across the tracks of McCloud River Railroad Company's (McCRR) Main Line to a public crossing in Siskiyou County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 26-25.3.
2. Construction of the crossing shall be equal or superior to Standard No. 3 of General Order 72-B.
3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.
4. Protection at the crossing shall be two Standard No. 1-R crossing signs (General Order 75-C).

5. Construction expense of the crossing and installation cost of the signs shall be borne by USFS.

6. Maintenance of the crossing shall conform to General Order 72-8.

7. Construction plans of the crossing, approved by McCRR, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion, under this order, USFS shall advise the Commission in writing.

This authorization shall expire if not exercised within two 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.

This order becomes effective 30 days from today.

Dated FEB 16 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

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Joseph E. Bodovics, Executive Director