

ORIGINAL

Decision 83 05 025 MAY 4 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the County of Fresno for the)
Realignment of a County Road)
across the Right-of-Way of the)
Southern Pacific Transportation)
Company, causing the construction)
of the proposed Crossing)
No. BS-218.72.)

Application 82-09-23
(Filed September 15, 1982)

O P I N I O N

As part of the project to realign Minnewawa Avenue, the County of Fresno (County) requests authority to construct at grade a crossing of the tracks of the Southern Pacific Transportation Company (SPT).

The 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 and review of an Initial Study, County issued a Negative Declaration and approved the project. On May 1, 1981, a Notice of Determination was filed with the Fresno 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 independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The proposed realignment of Minnewawa Avenue will result in a crossing with improved sight distance. In addition, it will provide a continuous, aligned roadway of greater capacity which will relieve traffic congestion in the area.

Notice of the application was published in the Commission's Daily Calendar on September 17, 1982. 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 construct Minnewawa Avenue at grade across SPT's tracks in Fresno County.

2. The proposed crossing is required to provide improved traffic circulation and greater safety for vehicles.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two standard No. 9A automatic gate-type signals with cantilever lights (General Order 75-C).

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

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. 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. ✓

O R D E R

IT IS ORDERED that:

1. The County of Fresno (County) is authorized to construct Minnewawa Avenue across Southern Pacific Transportation Company's (SPT) tracks in Fresno County, at the location and substantially as shown by the plans attached to the application to be identified as Crossing BS-218.72.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order (GO) 72.B.

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

4. Protection at the crossing shall be two standard No. 9A automatic gate-type signals with cantilever lights (GO 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by County.

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by applicant 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 prior to commencing construction.

8. Within 30 days after completion of the work under this order, County shall notify the Commission in writing of the completion of the work authorized.

9. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

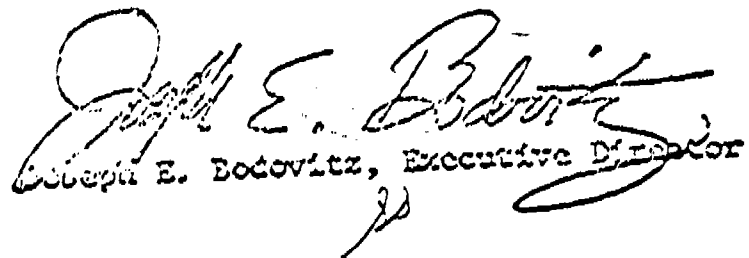
This order becomes effective 30 days from today.

Dated MAY 4 1983 , at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Botovitz, Executive Director