

T/ET/ARM/WPSC

ORIGINALDecision 83 09 055 SEP 7 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Merced)
 a political subdivision of the)
 State of California, for permission)
 to construct a relocated at-grade)
 crossing over the Atchison, Topeka)
 and Santa Fe Railroad Company's)
 railroad tracks at the realigned)
 Franklin Road location and to)
 close the existing Franklin Road)
 Railroad Crossing, No. 2-1060.1.)

Application 83-02-05
 (Filed February 2, 1983;
 amended April 18, 1983)

O P I N I O N

As part of the project to widen Santa Fe Drive between State Route 59 and 500 yards north of Buhach Road, the County of Merced (County) requests authority to relocate Franklin Road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Main Line near Merced, Merced County.

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 November 21, 1981, a Notice of Determination was filed with the Merced 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 reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The proposed Santa Fe Drive widening is located mainly within the unincorporated area of Merced County from the city limits of Merced at State Route 59 northerly to just north of the city limits of Atwater near Castle Air Force Base. Santa Fe Drive will be widened from two to four lanes and Franklin Road will be relocated approximately 65 feet southerly at the point where it crosses AT&SF's tracks. The relocation of Franklin Road will allow the grade crossing and adjacent intersection with Santa Fe Drive to be designed in such a manner as to eliminate an acutely angled approach.

To improve the riding quality and durability of the relocated crossing, County requests an exemption from General Order 72-B to permit the installation of a rubber grade crossing surface, which crossing surface is not included within the standards of the Commission's General Order 72-B. Since there appears to be ample justification for the installation of a rubber crossing surface in this instance, an exemption from General Order 72-B to permit the installation will be granted.

Notice of the application and amendment were published in the Commission's Daily Calendar on February 4, 1983, and April 19, 1983, respectively. 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 relocate Franklin Road at grade across the tracks of AT&SF's Main Line near Merced, Merced County.
2. Relocation of the crossing is required to allow the grade crossing and adjacent intersection with Santa Fe Drive to be designed in such a manner as to eliminate an acutely angled approach.
3. Public convenience and necessity require relocation of the Franklin Road grade crossing.
4. The relocated grade crossing will be within 200 feet of the intersection of Franklin Road and Santa Fe Drive; therefore, the traffic control signals which will be installed at the intersection should be preempted upon the approach of a train.
5. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with cantilevers.
6. The public and the railroad will benefit from installation of a rubber crossing surface at the relocated crossing.

7. Upon completion of the relocated crossing, and its opening to vehicular traffic, the existing Franklin Road crossing should be closed and physically removed.

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

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

10. The project will have no significant impact on the environment.

Conclusions of Law

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

2. An exemption from General Order 72-B should be granted to permit installation of a rubber crossing surface.

O R D E R

IT IS ORDERED that:

1. The County of Merced (County) is authorized to relocate Franklin Road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Main Line near Merced, Merced County, at the location and substantially as shown by the plans attached to the application, to continue to be identified as Crossing 2-1060.1.

2. County is granted an exemption from General Order 72-B to permit installation of a rubber crossing surface at the relocated crossing.

3. Construction of the crossing shall be in accordance with the provisions of General Order 72-B except that a rubber crossing surface shall be installed.

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

5. Protection at the crossing shall be two Standard No. 9-A automatic gate-type signals with cantilevers.

6. Construction cost of relocating the Franklin Road grade crossing shall be borne by County.

7. The automatic protection shall be installed under a California Department of Transportation service contract.

8. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be shared equally by County and AT&SF.

9. Construction plans for relocation of the crossing, approved by AT&SF, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

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10. Upon completion of the relocated crossing, and its opening to vehicular traffic, the existing Franklin Road grade crossing shall be closed and physically removed.

11. Traffic control signals which will be installed at the adjacent intersection of Franklin Road and Santa Fe Drive shall be preempted upon the approach of trains.

12. Within 30 days after completion of the work under this order, County shall notify the Commission in writing that the authorized work has been completed.

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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.

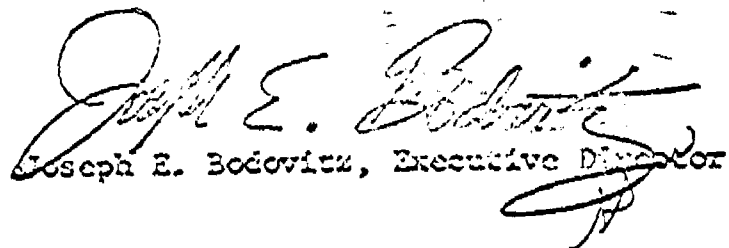
This order becomes effective 30 days from today.

Dated SEP 7 1983, at San Francisco, California.

Commissioner William T. Bagley
being necessarily absent, did
not participate.

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.


Joseph E. Bodovitz, Executive Director