

ORIGINAL

Decision 83 11 032 NOV 22 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of)
 California, Department of Transpor-)
 tation for an order authorizing)
 the following: (1) To construct)
 and build a crossing at separated)
 grades (known as the Keyes Road)
 Overhead, State Bridge No. 38C-56)
 over the tracks of the Southern)
 Pacific Transportation Company;)
 (2) To close an existing grade)
 crossing No. B-120.8, in Stanislaus)
 County.)

Application 83-05-24
(Filed May 11, 1983)

O P I N I O N

As part of the project to construct a freeway interchange and 1.3 miles of four-lane freeway, the State of California, Department of Transportation (Caltrans), requests authority to construct the Keyes Road Overhead over the tracks of Southern Pacific Transportation Company's (SPT) main line near the Community of Keyes, Stanislaus County.

Construction of the Keyes Road Overhead will permit improvement of 1.3 miles of the existing four-lane divided expressway to freeway standards by elimination of the Keyes Road grade crossing of State Route 99. The project area will extend from 0.5 miles north of Taylor Road to 2.0 miles south of Service Road near the unincorporated community of Keyes.

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. After preparation and review of an Initial Study, Caltrans issued a Negative Declaration and approved the project. On March 31, 1982, a Notice of Determination was filed with the Secretary for Resources 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.

Notice of the application was published in the Commission's Daily Calendar on May 13, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the Keyes Road Overhead over the tracks of SPT's main line near the community of Keyes, Stanislaus County.
2. Construction of the overhead is required to improve the safety of rail operations and reduce vehicular traffic delay.

3. After completion of the Keyes Road Overhead, and its opening to vehicular traffic, the existing Keyes Road grade crossing, Crossing B-120.8, should be closed and physically removed.

4. Public convenience, necessity and safety require construction of the Keyes Road 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 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 State of California, Department of Transportation (Caltrans) is authorized to construct the Keyes Road Overhead over the tracks of the Southern Pacific Transportation Company's (SPT) main line near the community of Keyes, Stanislaus County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-120.9-A.

2. Upon completion of the Keyes Road Overhead and its opening to vehicular traffic, the existing Keyes Road grade crossing, Crossing B-120.8, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 21' - 6" above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

4. Caltrans shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. Walkways shall conform to General Order 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.

6. 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 SPT, shall be filed with the Commission prior

to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

8. 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.

This order becomes effective 30 days from today.

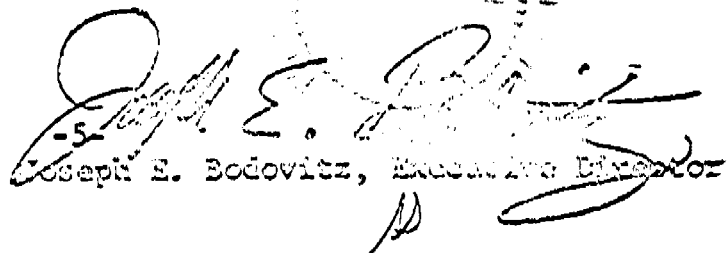
Dated NOV 22 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
WILLIAM T. BAGLEY
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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


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Joseph E. Bodovitz, Executive Director