

Decision No. 86699

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, )	
Department of Transportation, for an )	
order authorizing the construction of )	
the South Indio Overhead, State Route )	
111, over the Southern Pacific )	Application No. 56779
Transportation Company Yuma eastbound )	(Filed September 28, 1976)
and westbound mainline tracks and )	
eleven additional tracks plus one )	
future track at Railroad Station )	
No. 7926+85+ (M.P. 611.38), in the )	
City of Indio, County of Riverside. )	

O P I N I O N

As part of a project to reconstruct a portion of State Route 111 along new alignment, the State of California, Department of Transportation, requests authority to construct the "South Indio Overhead" over the Southern Pacific Transportation Company's east-bound and westbound El Paso Main Line tracks, eleven additional yard tracks plus one future track, in the City of Indio, Riverside County.

The California Highway Commission is the lead agency for the project to reconstruct a portion of State Route 111 along new alignment pursuant to the Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the California Highway Commission approved the project and on October 26, 1976 filed a Notice of Determination with the Secretary for Resources which found that "The project will not have a significant effect on the environment."

Applicant proposes to finance the project with Federal funds provided under the Public Works Employment Act of 1976 which requires that the project be able to go to construction within 90 days after approval for funding by the Department of Commerce. It is, therefore, requested that the usual 20-day waiting period be waived so that the project may be put out to bid at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on September 30, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct the "South Indio Overhead" (State Route 111) over the Southern Pacific Transportation Company's eastbound and westbound El Paso Main Line tracks, and eleven additional yard tracks, plus one future track in the City of Indio, Riverside County, as set forth in Exhibits "A" and "B" attached to the application, to be identified as Crossing B-611.4-A.
2. Clearances should be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21' 0" above top of rail should be authorized and the Southern Pacific Transportation Company should be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding the employees to ride on tops of cars.
3. Applicant should notify the Commission and the Southern Pacific Transportation Company at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.
4. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.
5. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by the Southern Pacific Transportation Company, should 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.
6. The project must be put out to bid at the earliest possible date to ensure compliance with requirements for funding under the

Public Works Employment Act of 1976; therefore, the usual 20-day waiting period should be waived.

7. The California Highway Commission is the lead agency for the project to reconstruct a portion of State Route 111 along new alignment pursuant to the California Environmental Quality Act of 1970, as amended, and on September 3, 1975 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant..
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

#### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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, is authorized to construct the "South Indio Overhead": (State Route 111), over the Southern Pacific Transportation Company's eastbound and westbound El Paso Main Line tracks, eleven additional yard tracks, plus one future track in the City of Indio, Riverside County, as set forth in the findings of this decision.
2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of NOVEMBER, 1976.

*Robert J. Abstein*  
*William A. Squires, Jr.*  
Commissioner

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President  
*Terrence L. Sturgeon*  
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*Robert Bateman*  
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Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.