

Decision No. 87201

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Department of )	
Water Resources, a California )	Application No. 56836
State Agency, to construct a )	(Filed October 29, 1976)
public pedestrian and bicycle )	(Amended January 17, 1977)
trail across the Southern Pacific )	
Transportation Company Right of )	
Way in the County of Fresno. )	

O P I N I O N

The State of California, Department of Water Resources, requests authority to construct a pedestrian and bicycle crossing at grade across the tracks of the Southern Pacific Transportation Company along the California Aqueduct right-of-way in Fresno County.

The State of California, Department of Water Resources, is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on October 3, 1974, filed a Notice of Exemption with the Secretary for Resources. Applicant alleges that this project is a minor modification of an existing facility and categorically exempt from the requirements of CEQA pursuant to Title 14 (Natural Resources), Division 6, Section 15101 of the California Administrative Code.

Notice of the application and amendment were published in the the Commission's Daily Calendar on November 2, 1976 and on January 29, 1977, respectively. 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. The State of California, Department of Water Resources, should be authorized to construct a pedestrain and bicycle crossing at grade across the tracks of the Southern Pacific Transportation

Company along the California Aqueduct right-of-way in Fresno County at the location and substantially as shown by plans attached to the application, to be identified as Crossing BD-277.4-D.

2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.

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

4. Protection at the crossing should be two Standard No. 1-D signs and two Standard No. 1-R signs (General Order 75-C) and two bicycle barriers as shown on Exhibit C attached to the application. Two 24-inch by 36-inch caution signs with black letters two inches high on a white background reading as follows may also be installed:

CAUTION  
Railroad Crossing  
Dismount and Walk  
Bicycle Across Tracks

5. Construction expense of the crossing and installation cost of the signs should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the signs should be borne by the applicant.

7. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

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

#### 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 Water Resources, is authorized to construct a pedestrian and bicycle crossing at-grade across the tracks of the Southern Pacific Transportation Company along the California Aqueduct right-of-way in Fresno 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 one year 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of APRIL, 1977.

Robert Babcock  
President

William S. ...

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Charles D. ...  
Commissioners