

ORIGINAL

Decision No. 88643 MAR 21 1978

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 a )  
 crossing at separation of grade over the )  
 tracks of the Southern Pacific Transpor- )  
 tation Company's El Paso mainline track, )  
 one spur track and one future track at )  
 railroad mile post 175.92, and for an )  
 order authorizing closure and physical )  
 removal of existing PUC crossing )  
 B-175.3, all in the County of Madera. )

Application No. 57810  
 (Filed January 19, 1978)

O P I N I O N

As part of the project to improve State Route 99 to freeway standards between Road 22 and Avenue 21 in Madera County, the State of California, Department of Transportation requests authority to construct a grade separation structure, to be known as the "Avenue 20 Overhead", over the tracks of the Southern Pacific Transportation Company's El Paso main line approximately seven miles Northwest of the City of Madera in Madera County. Authority is also requested to close and physically remove the at-grade crossing of Road 21, (Crossing B-175.3) upon completion of the "Avenue 20 Overhead".

Applicant states that certain Federal funds will be used for construction of this project. In order to qualify for these funds, applicant requires an order from the Public Utilities Commission authorizing construction which will be effective prior to April 1, 1978. Therefore the usual thirty-day waiting period should be waived.

The California Highway Commission is the lead agency for the project to improve State Route 99 to freeway standards between Road 22 and Avenue 21 in Madera County pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the California Highway Commission approved the

project and on June 20, 1977 filed a Notice of Determination with the Secretary for Resources which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on January 20, 1978. 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 Transportation, should be authorized to construct the "Avenue 20 Overhead" over the tracks of the Southern Pacific Transportation Company's El Paso main line near the City of Madera, Madera County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing B-175.9-A.
2. After completion of the "Avenue 20 Overhead" and its opening to traffic, the existing Road 21 grade crossing, Crossing B-175.3, should be abandoned and physically removed.
3. Clearances should be in accordance with General Order 26D, except that during the period of construction, a clearance of not less than 21' 6" 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 employees to ride on tops of cars between the structure.
4. 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.
5. Walkways should conform to General Order 118. Walkways adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their

original condition in the event of damage during construction.

6. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and copies of the 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.

7. The California Highway Commission is the lead agency for the project to improve State Route 99 to freeway standards between Road 21 and Avenue 21 in Madera County pursuant to the California Environmental Quality Act of 1970, as amended, and on May 17, 1977 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.

8. In order to qualify for Federal funding of this project, applicant requires an order from the Public Utilities Commission authorizing construction of the project which will be effective prior to April 1, 1978. Therefore the usual thirty-day waiting period should be waived.

#### 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.

ORDER

IT IS ORDERED that:

1. The State of California, Department of Transportation, is authorized to construct the "Avenue 20 Overhead" over the tracks of the Southern Pacific Transportation Company's El Paso main line near the City of Madera in Madera 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 21st day of MARCH, 1978.

*Robert Bateman*

President

*William S. Grooms, Jr.*

*Vernon L. Sturgeon*

*Richard D. Gault*

*Clair J. DeSilva*

Commissioners

