

Decision No. 89027 JUN 27 1978

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 a crossing at separation of grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Arizona State Line to Ferry Point mainline track at approximate railroad mile post 6538+34.50 and Highway Station 814+30.55, and authorizing the closure of existing crossings, FUC numbers 2-999.15 and 2-999.20, in the City and County of Fresno.

Application No. 57947
(Filed March 24, 1978)

O P I N I O N

As part of the Fresno Metropolitan Freeway Project on Routes 41 and 180, the State of California, Department of Transportation, requests authority to construct a grade separation structure, to be known as the "Diana Street Overhead" over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in the City of Fresno, Fresno County. Authority is also requested to close and physically remove the Thomas Avenue (Crossing 2-999.15) and alley between Thomas and Harvey Avenues (Crossing 2-999.20-D) crossings which underlie the proposed "Diana Street Overhead".

The California Highway Commission ^{1/} is the lead agency for the Fresno Metropolitan Freeway Project on Routes 41 and 180, pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the California Highway Commission approved the project and on November 4, 1977 filed a Notice of Determination with the Secretary for Resources which found that "The project will have a significant effect on the environment."

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1/ AB402 which became law on January 1, 1978 established the California Transportation Commission as successor to the California Highway Commission effective February 1, 1978.

Major adverse effects of the proposal are the displacement of people and businesses, loss of housing, increased noise at specific locations, aesthetic effects and the disruption to neighborhood stability brought on by the excessive amount of lead time prior to actual construction. Temporary disruptions will also occur during construction and initial operation of each stage.

Mitigation measures include the Relocation Assistance and Relocation Payment Programs, sound barriers, architectural design, landscaping and construction controls.

Notice of the application was published in the Commission's Daily Calendar on March 27, 1977. 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 "Diana Street Overhead" over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line in the City of Fresno, Fresno County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-999.2-A.

2. Applicant is also authorized to close and physically remove the Thomas Avenue (Crossing 2-999.15) and alley between Thomas and Harvey Avenues (Crossing 2-999.20-D) crossings which underlie the proposed "Diana Street Overhead".

3. Clearances should 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 should be authorized and The Atchison, Topeka and Santa Fe Railway 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 beneath the structure.

4. Applicant should notify the Commission and The Atchison, Topeka and Santa Fe Railway 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 of the "Diana Street Overhead" 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 Atchison, Topeka and Santa Fe Railway 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 Fresno Metropolitan Freeway Project on Routes 41 and 180 pursuant to the California Environmental Quality Act of 1970, as amended, and on April 8, 1977 approved its Final Environmental Report which has been filed with the Commission. The Public Utilities Commission has considered the California Highway Commission's Final Environmental Impact Report and Notice of Determination and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

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 "Diana Street Overhead" over the tracks of The Atchison, Topeka and Santa Fe Railway Company's main line

in the City of Fresno 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 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 shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of JUNE, 1978.

 President
William S. Quinn Jr.

Samuel L. Sturgeon

Richard D. Howell

Clair J. Debris
 Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.