

Decision No. 89363 SEP 6 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 Erle Road Overhead to carry Erle Road traffic across Southern Pacific Transportation Company's Shasta Route mainline track and one future track at approximate railroad mile post 138.3 and Highway Station "E" 25 + 21.87, and authorizing the closure of existing crossing, PUC Number C-138.3 located near Marysville in the County of Yuba.

Application No. 58038  
(Filed May 1, 1978)

O P I N I O N

As part of the project to construct the Erle Road interchange on State Route 70, the State of California, Department of Transportation, requests authority to construct a grade separation structure, to be known as the "Erle Road Overhead", over the tracks of Southern Pacific Transportation Company's Shasta Route Main Line near the City of Marysville, Yuba County. Authority is also requested to close the existing Erle Road grade crossing (Crossing C-138.3).

The California Transportation Commission is the lead agency for the Erle Road interchange project on State Route 70 pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the California Highway Commission<sup>1/</sup> approved the project and on June 14, 1973 filed a Notice of Determination with the Secretary for Resources which found that "The project will not have a significant effect on the environment."

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

Notice of the application was published in the Commission's Daily Calendar on May 4, 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. Applicant should be authorized to construct the "Erle Road Overhead" over the tracks of Southern Pacific Transportation Company's Shasta Route Main Line near the City of Marysville, Yuba County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing C-138.3-A.
2. After completion of the "Erle Road Overhead" and its opening to traffic, the existing Erle Road grade crossing, Crossing C-138.3, should be abandoned and physically removed.
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 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 beneath 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 of the "Erle Road 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 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 Transportation Commission is the lead agency for the Erle Road interchange project on State Route 70 pursuant to the California Environmental Quality Act of 1970, as amended, and on February 24, 1972, approved its Negative Declaration which has been filed with the Commission. The Public Utilities Commission has considered the California Transportation Commission's 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 "Erle Road Overhead" over the tracks of Southern Pacific Transportation Company's Shasta Route Main Line near the City of Marysville, Yuba 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 10<sup>th</sup> day of SEPTEMBER, 1978.

Robert Bateman  
President  
William Sproull  
Herbert L. Steyer  
Charles D. Cook  
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.