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Decision No. 90288 MAY 8 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Visalia)	
County of Tulare, State of California)	
For a crossing at - grade of tracks of the)	Application No. 58213
Southern Pacific Transportation Company)	(Filed July 7, 1978)
At the proposed northerly extension)	
of Road 84)	

O P I N I O N

As part of the development of the Visalia Industrial Park, the City of Visalia requests authority to construct Road 84 at grade across the tracks of Southern Pacific Transportation Company's Visalia Branch Line in the City of Visalia, Tulare County.

The City of Visalia is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study, the City of Visalia issued a Negative Declaration and approved this project. On February 23, 1979, a Notice of Determination was filed with the Tulare County Clerk, with the finding that the project will not have a significant effect on the environment.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has also been inspected by the Commission staff.

The construction of Road 84 across the tracks of Southern Pacific Transportation Company will provide additional access, improve traffic circulation, and increase convenience to existing and projected development in the area. The project site is in an area which was once principally agricultural but is now zoned light industrial. The land is presently open fields without improvements. Rail service is presently being provided to some nearby industrial facilities from the Southern Pacific Transportation Company's Visalia Branch Line, which borders the southerly boundary of the project area.

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Notice of the application was published in the Commission's Daily Calendar on July 12, 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 Road 84 at grade across the tracks of Southern Pacific Transportation Company's Visalia Branch Line in the City of Visalia, Tulare County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing BAC-247.67. Upon opening of this public crossing, the private crossing located at Milepost 247.70 should be closed.
2. Construction of the crossing should be equal or superior to Standard No. 4-C 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. 9 automatic gate-type signals (General Order 75-C).
5. Parking on Road 84 within 25 feet of the crossing should be prohibited.
6. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.
7. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
8. 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.
9. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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10. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

11. This project will have no significant impact on the environment.

C O N C L U S I O N

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 City of Visalia is authorized to construct Road 84 at grade across the tracks of Southern Pacific Transportation Company's Visalia Branch Line in the City of Visalia, Tulare 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 two 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.

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The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 8th day of MAY, 1979.

John E. Bryan
President
Thomas L. Sturgeon

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

Clare T. D. [Signature]
Leonard M. [Signature]
Commissioners