

SD

Decision No. 91607

APR 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Fresno, a)
Municipal Corporation for an order)
authorizing the construction of Grade)
Crossing across the tracks of the)
Southern Pacific Transportation)
Company (Pinedale Spur) and Audubon)
Drive in the City of Fresno, County)
of Fresno.)

Application No. 59114
(Filed August 31, 1979)

O P I N I O N

As part of a project to extend Audubon Drive to serve new residential developments, the City of Fresno requests authority to construct Audubon Drive at grade across Southern Pacific Transportation Company's industrial drill track in the City of Fresno, Fresno County.

The City of Fresno 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 Fresno issued a Negative Declaration and approved this project. On January 25, 1980, a Notice of Determination was filed with the Fresno County Clerk, which found 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 project is located in an area that was formerly zoned agricultural but which is now zoned for residential development. The crossing is part of a city planned extension of Audubon Drive and is consistent with the Woodward Park Community Plan. When completed, Audubon Drive will provide a direct route from the recently constructed residential subdivisions east of the railroad tracks to State Route 41 and to the recreational activities available at Woodward Park.

The City advises that the railroad's tracks bisect the service area of a new fire station and that there is an urgent need to provide better access to the service area for emergency vehicles. It is, therefore, requested that the usual thirty-day waiting period be waived.

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Notice of the application was published in the Commission's Daily Calendar on September 5, 1979. 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 Audubon Drive at grade across Southern Pacific Transportation Company's industrial drill track in the City of Fresno, Fresno County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BS-223.75-C.
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 four Standard No. 9 automatic gate-type signals, two of which should be placed on median islands (General Order 75-C).
5. Parking on Audubon Drive within 35 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 be in accordance with 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.
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.

12. Applicant has an urgent need for this crossing to be available for use by emergency vehicles; therefore, the usual thirty-day waiting period should be waived.

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 Fresno is authorized to construct Audubon Drive at grade across Southern Pacific Transportation Company's industrial drill track in the City of Fresno, 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 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.

The effective date of this order is the date hereof.

Dated APR 15 1980, at San Francisco, California.

Commissioner John E. Bryson, being necessarily absent, did not participate.

President

Vernon L. Sturgeon

Richard D. Howell

Edgar T. Dudgeon

Frank J. Smith

Commissioners