

T/SD

Decision No. 92277 OCT 8 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the UNITED STATES of AMERICA, acting by and through the Forest Service, Department of Agriculture, for Permission to convert two private Crossings at Grade of the Tracks of McCLOUD RIVER RAILROAD COMPANY to Public grade crossing approximately Twenty Five and Twenty Nine miles east of the town of McCloud in the COUNTIES OF SHASTA AND SISKIYOU, STATE OF CALIFORNIA.

Application No. 58883
(Filed May 22, 1979)

O P I N I O N

The United States Department of Agriculture, Forest Service, requests authority to convert the private grade crossings of Pole Creek Road 39N45Y in Siskiyou County and Kemp Flat Road 39N32 in Shasta County across the tracks of the McCloud River Railroad Company to public crossings.

The Commission 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 review of applicant's Environmental Assessment Report and inspection of the site of the proposed project, the Commission prepared an Initial Study and Negative Declaration. On June 26, 1979, a Notice of Preparation, together with an Initial Study and Negative Declaration, was sent to the Secretary for Resources. A Notice to the Public was published on July 12 and July 19, 1979, in the Mount Shasta Herald. No exceptions to the Negative Declaration were filed.

The crossings are located in undeveloped forest lands and will be part of Forest Service Transportation System Roads which will be used as main-haul routes for scheduled timber sales. Although much of the land served by Pole Creek Road and Kemp Flat Road is private, the entire area is designated as a Timber Protection Zone and is managed for timber production only. Project improvements are limited to widening and minor realignment of the existing roads and the addition of timber planking to the existing crossings.

Notice of the application was published in the Commission's Daily Calendar on May 24, 1979. No protests have been received. A public hearing is not necessary.

Finding of Fact

1. Applicant should be authorized to convert the private grade crossings of Pole Creek Road 39N45Y in Siskiyou County and Kemp Flat Road 39N32 in Shasta County across the tracks of the McCloud River Railroad Company to public crossings at the locations and substantially as shown by plans attached to the application, to be identified as Crossings 26B-24.9 and 26B-29.5, respectively.
2. Construction of the crossings should be equal or superior to Standard No. 3 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at each crossing should be two Standard No. 1-R crossing signs (General Order 75-C).
5. Construction cost of the crossings and installation cost of the signs should be borne in accordance with agreements which have been entered into between the parties relative thereto.
6. Maintenance of the crossings should be in accordance with General Order 72-B.
7. The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

8. The Commission has followed the procedures required of a lead agency and will issue the Notice of Determination, as shown in Appendix A, upon approval of the project.

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

Conclusion of Law

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 United States Department of Agriculture, Forest Service, is authorized to convert the private grade crossings of Pole Creek Road 39N45Y in Siskiyou County and Kemp Flat Road 39N32 in Shasta County across the tracks of the McCloud River Railroad Company to public crossings, 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 shall be thirty days after the date hereof.

Dated OCT 8 1980, at San Francisco, California.

John E. Byrne
President

Vernon L. Stinson

Robert N. Howell

Edward M. Quinn
Commissioners

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

A. 58883

APPENDIX A

NOTICE OF DETERMINATION

TO: Secretary for Resources
1416 Ninth Street, Rm. 1312
Sacramento, CA 95814

FROM: California Public Utilities
Commission
350 McAllister Street
San Francisco, CA 94102

SUBJECT: Filing of Notice of Determination in compliance with Section 21108
or 21152 of the Public Resources Code.

Project Title: Pole Creek Road and Kemp Flat Road grade crossings of McCloud River
Railroad Company Tracks.

State Clearinghouse Number - 790717172

Contact Person
Art Aldridge

Telephone Number
(415) 557-3448

Project Location
Siskiyou and Shasta Counties, CA

Project Description: The United States Department of Agriculture, Forest Service, will
convert the private crossings of Pole Creek Road and Kemp Flat Road at grade across the
tracks of McCloud River Railroad Company in Siskiyou and Shasta Counties to public
crossings.

This is to advise that the California Public Utilities Commission as lead agency has
made the following determination regarding the above described project:

1. The project has been approved by the Lead Agency.

disapproved

2. The project will have a significant effect on the environment.

will not

3. An Environmental Impact Report was prepared for this project pursuant to the
provisions of CEQA.

A Negative Declaration was prepared for this project pursuant to the provisions
of CEQA. A copy of the Negative Declaration is attached.

Date Received for Filing


Executive Director

Date 10-20-80