

**ORIGINAL**Decision No. 92833

MAR 17 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE COUNTY OF FRESNO,  
STATE OF CALIFORNIA, FOR AN ORDER  
AUTHORIZING CONSTRUCTION OF A GRADE  
SEPARATION AT HERNDON AVENUE AND  
THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY, IN THE COUNTY OF  
FRESNO.

Application No. 60034  
(Filed October 27, 1980)

O P I N I O N

The County of Fresno requests authority to construct Herndon Avenue at separated grades over the tracks of the Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Fresno, Fresno County. Authority is also requested to construct a temporary detour crossing to serve the needs of traffic during construction of the separation.

The priority list of grade separation projects for the fiscal year 1980-81, as set forth in Decision 91887, dated June 3, 1980, shows this project as Priority No. 4.

The County of Fresno is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq. After preparation and review of an Initial Study, the County of Fresno prepared a Negative Declaration for the project. On September 19, 1980, a Notice of Determination was filed with the Fresno County Clerk which found that the project will not have a significant adverse 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 been inspected by the Commission staff.

Herndon Avenue is a major east-west arterial in Fresno County. The proposed separation project is part of the continuing development of Herndon Avenue from a two-lane arterial to a four-lane limited access expressway.

Notice of the application was published in the Commission's Daily Calendar on November 3, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority to construct Herndon Avenue at separated grades over the tracks of the Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Fresno, Fresno County.

2. Authority is also requested to construct a temporary detour crossing to serve the needs of traffic during the period of construction.

3. The proposed grade separation is an essential element in the continuing development of Herndon Avenue into a four-lane expressway.

4. Public convenience and necessity require construction of the proposed railroad-highway grade separation project.

5. Public safety requires that protection at the temporary detour crossing be two Standard No. 9 automatic gate-type signals (General Order 75-C).

6. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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

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

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The County of Fresno is authorized to construct Herndon Avenue at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line near the City of Fresno, Fresno County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 2-1007.4-A.

2. The County of Fresno is further authorized to construct a temporary detour crossing at grade immediately to the north of the existing Herndon Avenue at-grade crossing, to be identified as Crossing No. 2-1007.43.

3. Protection at the temporary detour crossing shall be two Standard No. 9 automatic gate-type signals.

4. Upon opening of the temporary detour crossing to vehicular traffic, the existing Herndon Avenue crossing, Crossing No. 2-1007.4, shall be closed and physically removed.

5. Upon completion of the separation structure and its opening to vehicular traffic, the temporary detour crossing, Crossing No. 2-1007.43, shall be closed and physically removed.

6. Clearances shall be in accordance with General Order 26-D.

7. Walkways shall conform to General Order 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

8. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of the agreement, together with plans of the crossing approved by the Atchison, Topeka and Santa Fe Railway Company, shall 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.

9. 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 MAR 17 1981, at San Francisco, California.

John E. Bryan  
President  
Richard D. Lytle  
Leonard W. Smith  
Victor Cabus  
Commissioners