

Decision 96-01-021 January 24, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE CALIFORNIA

Application of the State of California,)
Department of Transportation, for an)
order authorizing the Department to:)
Construct the Cimarron Overhead structure))
over the track and right of way of)
Southern Pacific Transportation Company)
located in the City of Lemoore, Kings)
County, State of California.)

Application 95-06-017
(Filed June 5, 1995)

ORIGINAL

OPINION

As part of the project to improve State Route 41 (SR 41) to a four lane expressway, the State of California, Department of Transportation (CALTRANS) requests authority to construct the Cimarron Overhead structure at separated grades over the tracks of the Southern Pacific Transportation Company (SPT) BD-Line in Lemoore, Kings County. The SPT tracks are leased to the San Joaquin Valley Railroad, which operates freight service over the line.

CALTRANS has proposed the construction of 2.8 miles of four lane expressway to replace a two lane section on SR 41. The new expressway will be constructed some 900 feet west of the existing highway. The proposed Cimarron Overhead will consist of two parallel structures. At present, SR 41 crosses the SPT's BD-Line at grade (PUC No. 103D-262.1). This crossing will remain intact after completion of the project since the existing highway will serve as a frontage road.

CALTRANS is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended,

Public Resources Code Sections 21000, et seq. After preparation and review of an Environmental Assessment, CALTRANS issued a Negative Declaration. A Notice of Determination was filed on December 29, 1992, with the Office of Planning and Research 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 reviewed and considered the lead agency's Environmental Assessment and Negative Declaration.

The site of the project has been inspected by the Commission's Safety and Enforcement Division, Traffic Engineering Section staff. The staff examined the need for and safety of the proposed project and recommends that the sought authority be granted.

Application 95-06-017 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project area is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on June 28, 1995. No protests have been filed.
2. CALTRANS requests authority under Public Utilities Code Sections 1201-1205 to construct the Cimarron Overhead (PUC No. 103D-262.3-A) at separated grades over the SPT BD-Line tracks in Lemoore, Kings County.
3. Public convenience, necessity, and safety require the construction of the Cimarron Overhead.
4. Temporary reduced vertical clearance of 21' 6" will be required during construction.
5. Temporary reduced horizontal clearance of 10' 0" will be required during construction.
6. Rail traffic will continue to use the existing track during construction.
7. CALTRANS is the lead agency for this project under CEQA, as amended.
8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Environmental Assessment and Negative Declaration.
9. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. 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 (CALTRANS) is authorized to construct the Cimarron Overhead

structure at separated grades over the tracks of the Southern Pacific Transportation Company (SPT) BD-Line in Lemoore, Kings County at the location and substantially as shown on the plans attached to the application and Appendix A of this order, to be identified as Crossing 103D-262.3-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a vertical clearance of not less than 21 feet 6 inches above top of rail and a horizontal clearance of not less than 10 feet 0 inches from centerline of track shall be authorized. SPT and its lessee San Joaquin Valley Railroad (SJVR) are authorized to operate with such reduced clearances provided that instructions are issued by the railroads and filed with the Commission's Safety and Enforcement Division limiting the height and width of loads beneath the structure.

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

4. Construction plans, approved by SPT and SJVR, together with a copy of the agreement entered into between the parties, shall be filed by CALTRANS with the Commission's Safety and Enforcement Division prior to commencing construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed by CALTRANS with the Commission's Safety and Enforcement Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. CALTRANS shall notify the Commission's Safety and Enforcement Division, SPT, and SJVR at least fifteen (15), but no more than thirty (30), days in advance of the date when the temporary impaired clearances will be established.

7. Within thirty (30) days after completion of the work under this order, CALTRANS shall advise the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety require.

9. The Executive Director shall serve a copy of this order on SPT and SJVR, so that the railroad companies are informed of the obligations herein imposed upon them.

10. The application is granted as set forth above. This order becomes effective thirty (30) days from today.

Dated JAN 24 1996, at San Francisco, California.

P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEPPER
Commissioners

Commissioner Daniel Wm. Fessler is
necessarily absent on official business.

