

Decision 96-03-017 March 13, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Fresno for )  
an Order authorizing construction of a )  
crossing at separated grades between )  
Herndon Avenue and the tracks of the )  
Southern Pacific Transportation )  
Company, sometimes referred to as the )  
"Herndon Avenue Overhead" [PUC No. B- )  
195.8A] )

**ORIGINAL**

Application 96-01-024  
(Filed January 24, 1996)

O P I N I O N

The City of Fresno (City) requests authority to construct the Herndon Avenue Overhead at separated grades over the Southern Pacific Transportation Company's (SPT) B-line tracks in the City of Fresno, Fresno County.

The grade separation would replace the existing at-grade crossing at Herndon Avenue (001B-195.8). Herndon Avenue is classified as an expressway in the circulation elements of the Fresno General Plan, the Bullard Community Plan, and the City of Clovis. It provides a direct connection from State Highway 99 to State Highway 168, bypassing most of the City of Fresno and City of Clovis. Replacement of the existing grade crossing will provide for uninterrupted vehicular and rail traffic within the project area. The priority list of grade separation projects for fiscal year 1995-96, as set forth in Decision 95-06-020, dated June 8, 1995, shows this project as Priority No. 8.

The overhead will consist of a 5-span reinforced concrete structure, approximately 380' long. It will provide six 12' vehicular lanes, two 5' shoulders, and one 6' sidewalk.

During construction, vehicular & rail traffic will continue to use the existing facilities. Upon completion of this

project, the existing at-grade crossing will be closed by removal of all pavement within the railroad right-of-way, and by the erection of fences along both sides of the railroad right-of-way. Protective devices will also be removed.

City 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. City has determined that this project is categorically exempt from CEQA under Section 21080.13 of the Public Resources Code.

The Commission is a responsible agency for the project under CEQA and has reviewed and considered the lead agency's categorical exemption determination.

The site of the project has been inspected by the Safety and Enforcement Division's Traffic Engineering staff. The staff examined the need for and safety of the proposed overhead and recommends that the sought authority be granted. The City by letter dated February 5, 1996, has requested that the 30-day wait period following Commission signature be waived in order to meet the Grade Separation Program deadline, April 1, 1996. Therefore, this order should be effective immediately.

Application 96-01-024 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 proposed 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 January 25, 1996. No protests have been filed.
2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct the Herndon Avenue Overhead at separated grades over SPT's B-line in Fresno, Fresno County.
3. Public convenience, necessity, and safety require the construction of the Herndon Avenue Overhead.

4. Upon completion of the Herndon Avenue Overhead and its opening to vehicular traffic, the existing grade crossing at Herndon Avenue will be closed and physically removed.

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for the project and has reviewed and considered the lead agency's categorical exemption determination.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

2. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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

4. The usual 30-day effective date on an order should be waived as City wishes to meet the Grade Separation Program filing deadline.

ORDER

IT IS ORDERED that:

1. The City of Fresno (City) is authorized to construct the Herndon Avenue Overhead at separated grades over the Southern Pacific Transportation Company's (SPT) B-line tracks in Fresno, Fresno County, at the location and substantially as shown on the plans attached to the application, to be identified as Crossing 001B-195.8-A.

2. Upon completion of the overhead and its opening to vehicular traffic, the existing Herndon Avenue grade crossing, Crossing 001B-195.8, shall be closed and physically removed.

3. 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 21'6" above top of rail shall be authorized, and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Safety and Enforcement Division limiting the height of loads beneath the structure.

4. City shall notify the Commission's Safety and Enforcement Division and SPT at least 15, but no more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. 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.

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

7. 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 City 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.

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

9. 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 so require.

10. The Executive Director shall serve a copy of this order on SPT, so that the railroad company is informed of the obligation herein imposed upon it.

11. The application is granted as set forth above.  
This order becomes effective today.

Dated MAR 13, 1996, at San Francisco, California.

DANIEL Wm. FESSLER  
President

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

← To 7th Street Overhead

P.U.C. NO. B-193.7A

← To Lathrop

PUC CROSSING NUMBER  
001B-195.8-A

RESNO

NORT

Scale 1" = 0.43 Miles  
1000 1100 1200 1300  
1400

HERNDON AVE.

SOUTHERN PACIFIC RAILROAD  
MOTEL DRIVE

P.U.C. NO. B-197.2

BIG CARD

TO BAKERSFIELD  
HIGHWAY  
CITY