

Decision 96-03-018 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
Shaw Avenue and the tracks of the
Southern Pacific Transportation
Company, sometimes referred to as the
"Shaw Avenue Overhead" [PUC No. B-198.5A]

) **ORIGINAL**
) Application 96-01-034
) (Filed January 29, 1996)

O P I N I O N

The City of Fresno (City) requests authority to construct the Shaw Avenue Overhead at separated grades over the Southern Pacific Transportation Company's (SPT) B-line tracks in the City of Fresno, Fresno County. City also requests authority to modify the existing at-grade crossing at Shaw Avenue (001B-198.5) during construction of the overhead.

Shaw Avenue is classified as a major east-west arterial in the circulation element of the Fresno General Plan. It is a multi-lane facility used extensively by motorists destined to residential areas, shopping malls, and places of employment in North Fresno. The grade separation would replace the existing at-grade crossing at Shaw Avenue, thereby providing 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. 18.

The overhead will consist of a 4-span reinforced concrete structure, approximately 362' long. It will provide six 12' vehicular lanes, and two 5' sidewalks.

During construction, the grade crossing will be modified to accept half-width construction. Rail traffic will continue to

use the existing track and the two-way vehicular traffic will be diverted to the east-bound lanes of Shaw Avenue. Warning devices will be relocated to accommodate the temporary change in traffic pattern. Upon completion of the overhead and its opening to vehicular traffic, the existing grade crossing will be closed and physically 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 effective date on an order be waived in order to meet the Grade Separation Program deadline, April 1, 1996. Therefore, this order should be effective immediately.

Application 96-01-034 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 February 5, 1996. No protests have been filed.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct the Shaw Avenue Overhead at separated grades over SPT's B-line in Fresno, Fresno County.

3. Construction of the overhead requires the modification of the existing grade crossing to accept diverted vehicular traffic.

4. Public convenience, necessity, and safety require the construction of the Shaw Avenue Overhead.

5. Public safety requires that protection at the modified crossing be two Standard No. 9's per General Order 75-C.

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

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

8. 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 Shaw 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-198.5-A.

2. City is also authorized to modify the existing grade crossing (001B-198.5) to accept diverted vehicular traffic, which will be required during construction.

3. Protection at the modified crossing shall be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

4. Upon completion of the overhead and its opening to vehicular traffic, the existing Shaw Avenue grade crossing, Crossing 001B-198.5, shall be closed and physically removed.

5. Clearances shall be in accordance with 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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

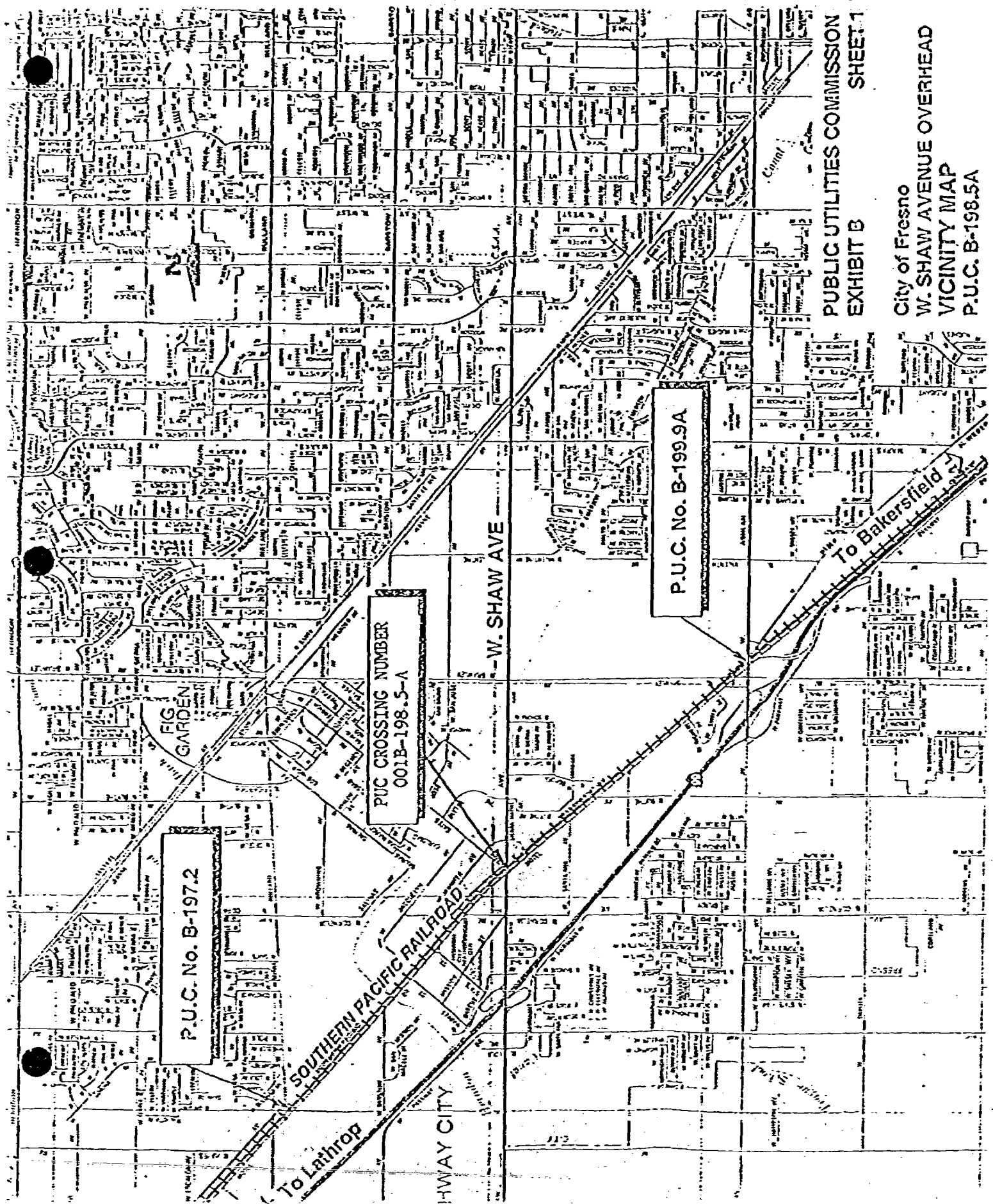
P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEPPER

Commissioners



PUBLIC UTILITIES COMMISSION
EXHIBIT B
SHEET 1

City of Fresno
W. SHAW AVENUE OVERHEAD
VICINITY MAP
P.U.C. B-198.5A