

Decision 00-03-014 March 02, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the City of	)	
Visalia for a railroad crossing over the San	)	
Joaquin Valley Railroad Company's	)	Application 99-10-028
railroad at the intersection of Oak Avenue	)	(Filed October 22, 1999)
and Bridge Street Section 29, Township 18	)	
South, Range 25 East, M. D. B. & M.	)	
_____	)	

**OPINION**

As part of the City of Visalia's (City) Central Business District Circulation Improvement Project, City requests authority to (a) construct Bridge Street at-grade across the Union Pacific Railroad Company (UP) / San Joaquin Valley Railroad Company (SJVR) track and right-of-way, (b) make safety improvements at eleven adjacent UP / SJVR crossings, and (c) permanently close and vacate the existing Stevenson Street public at-grade crossing in the City of Visalia, Tulare County. City filed supplemental documents to effect minor corrections to A.99-10-028 on November 29, 1999.

The proposed Bridge Street Crossing would facilitate improved access to the downtown business district by relieving traffic on Church Street, Garden Street and Santa Fe Street. Downtown circulation with the combination of one-way streets will be greatly improved with the proposed crossing and would be of great benefit to emergency type vehicles by providing an additional direct north-south access route.

City also proposes to make safety improvements at eleven crossings adjacent to the proposed Bridge Street crossing. The eleven crossings include, Johnson Street, Willis Street, West Street, Floral Street, Encina Street, Locust Street (State Route (SR) 63 - Southbound), Court Street (State Route (SR) 63 - Northbound), Church Street, Garden Street, Santa Fe Street, and Tipton Street.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et. seq. On May 26, 1999, City filed a Notice of Determination with the State Office of Planning and Research. It was found that the crossing project itself will not have a significant effect on the environment. A Mitigated Negative Declaration for dust control during construction was prepared for this project pursuant to the provisions of CEQA. A mitigation measure for dust control was made a condition of the approval of this project.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the City's Notice of Determination and mitigation measures. The site of the project has been inspected by the Commission's Rail Safety and Carrier Division staff – Rail Crossings Engineering Section. Staff has also conducted a careful evaluation of the City's proposal with respect to construction of the Bridge Street at-grade crossing and the closure of the existing Stevenson Street crossing. Since this does not result in a net increase in the number of at-grade crossings in the City's Downtown area, staff recommends that the construction project be approved.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure. A location map and details from the project plans are shown in Appendix A.

In Resolution ALJ 176-3026 dated November 4, 1999, the Commission preliminary categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb preliminary determinations made in Resolution ALJ-176-3026.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU code Section 311 (g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on October 27, 1999. No protests have been received. A public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to (a) construct the Bridge Street Crossing across the UP / SJVR track and rights-of-way, (b) make safety improvements at eleven adjacent Up / SJVR crossings, namely Johnson Street, Willis Street, West Street, Floral Street, Encina Street, Locust Street (State Route (SR) 63 - Southbound), Court Street (State Route (SR) 63 - Northbound), Church Street, Garden Street, Santa Fe Street, and Tipton Street, and (c) permanently close and vacate the existing public at-grade crossing at Stevenson Street in the City of Visalia, Tulare County, as set forth in Appendix "A".

3. Construction of the grade crossing is required for improved traffic flow circulation in the downtown area.

4. Public convenience and necessity require construction of the grade crossing.

5. Public safety requires that two Standard No. 8-A automatic flashing light signals with cantilever arm (General Order (G. O.) 75-C) be installed at the proposed Bridge Street crossing.

6. Public safety also requires that two Standard No. 8-A automatic flashing light signals with cantilever arm (G. O. 75-C) be installed at the existing Santa Fe Street crossing.

7. Public safety requires that additional safety improvements be made at eleven crossings in the vicinity of Bridge Street, as well as the closure of Stevenson Street crossing, as more fully described in the application.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Notice of Determination and mitigation measures.

9. The Commission staff recommends that the application be granted.

Conclusions of Law

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

**ORDER**

**IT IS ORDERED** that:

1. City of Visalia (City) is authorized to construct the Bridge Street Crossing across the Union Pacific Railroad Company / San Joaquin Valley Railroad track and rights-of-way in the City of Visalia, Tulare County, to be identified as Crossing No. 103BAC-253.15. The proposed crossing project is at the location and substantially shown by the plans attached to the application and Appendix A of this order.
2. City is also authorized to make safety improvements at eleven UP / SJVR crossings, namely, Johnson Street, Willis Street, West Street, Floral Street, Encina Street, Locust Street (State Route (SR) 63 - Southbound), Court Street (State Route (SR) 63 - Northbound), Church Street, Garden Street, Santa Fe Street, and Tipton Street Crossings in Visalia, Tulare County, as more fully described and indicated by text and drawings attached to the application.
3. Walkways shall conform to General Order (G.O.) 118 and clearances shall be in accordance with G.O. 26-D.
4. Construction of the grade crossing shall be equal or superior to Standard No. 8 concrete slabs of G.O. 72-B. Maintenance of the crossing shall conform to G.O. 72-B.
5. Protection at the Bridge Street Crossing shall be two Standard No. 8-A automatic flashing light signals with cantilever arm (G.O. 75-C).
6. Protection at the Santa Fe Street shall be two Standard No. 8-A automatic flashing light signals with cantilever arm (G.O. 75-C).
7. Prior to opening of the Bridge Street crossing, the existing Stevenson Street Crossing No. 103BAC-252.50 shall be permanently closed, vacated, and physically removed.
8. Construction expense of the crossing and installation of the automatic railroad warning devices shall be borne by City.

9. Maintenance costs of the automatic warning devices shall be borne by the City under Section 1202.2 of the PU Code.

10. A copy of the crossing plans approved by SJVR and UP shall be filed with the Rail Safety and Carrier Division of the Public Utilities Commission prior to commencing construction.

11. Within thirty (30) days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

12. This authorization shall expire if not exercised within two 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.

13. The application is granted as set forth above.

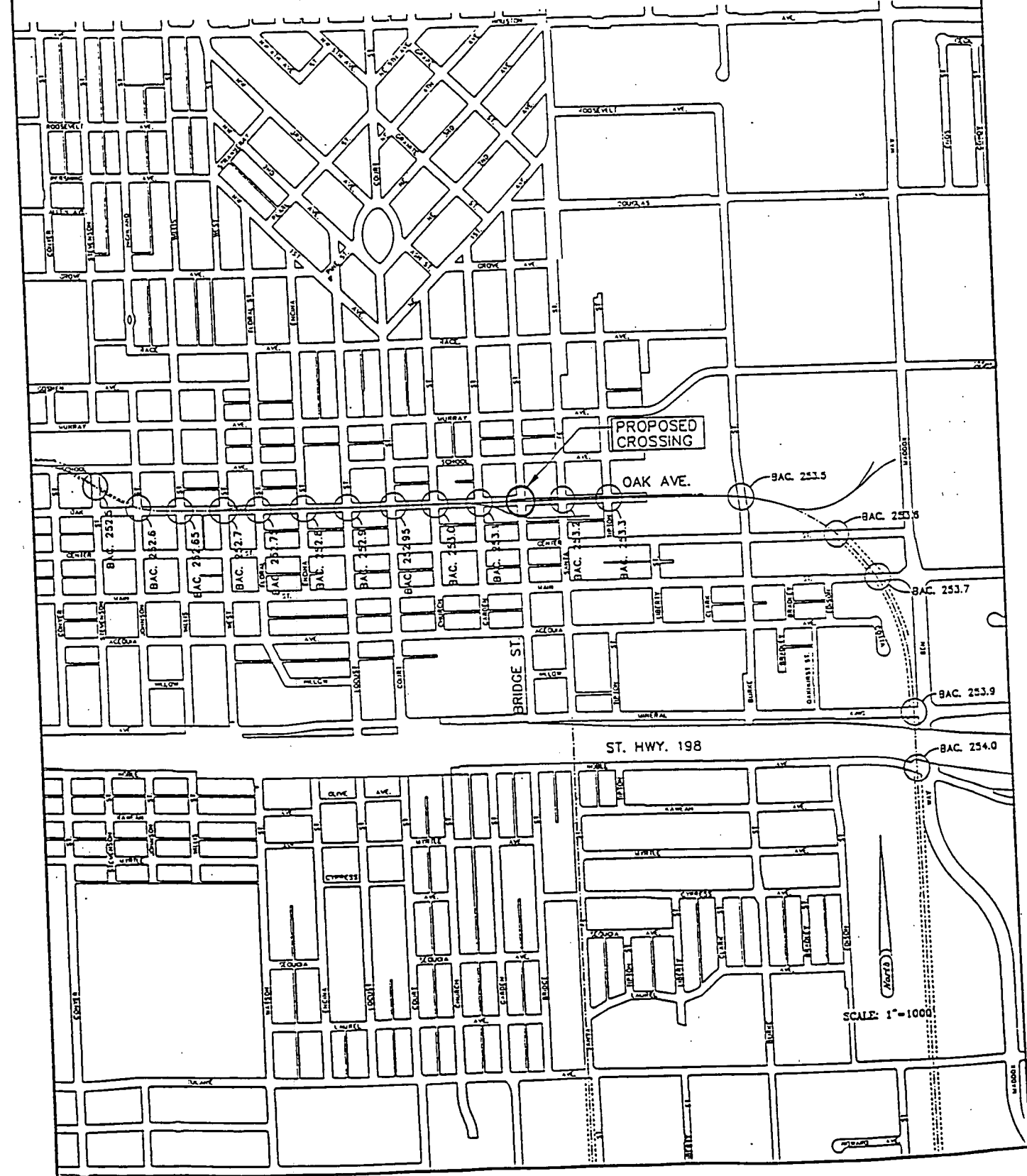
14. Application 99-10-028 is closed.

This order is effective 30 days from today.

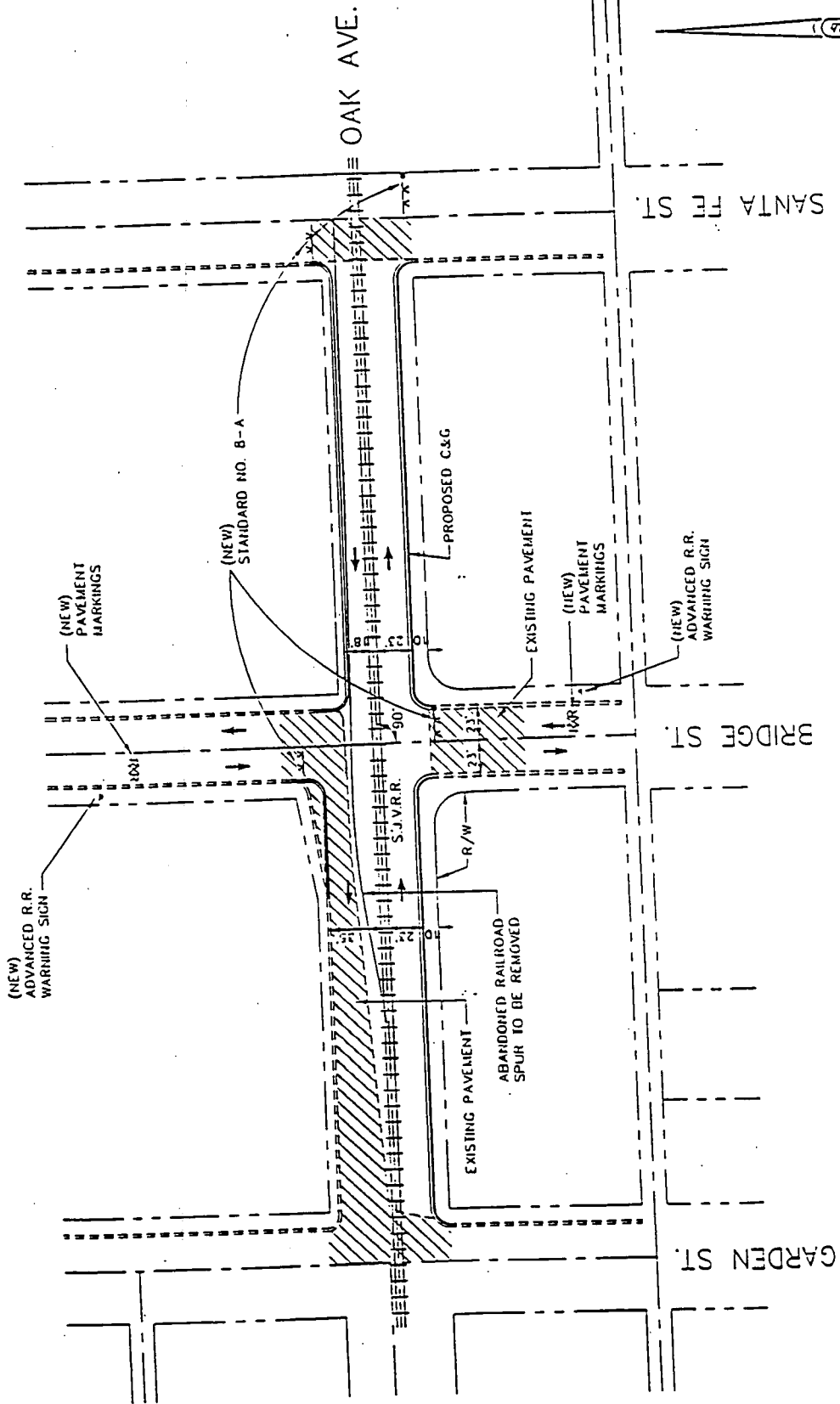
Dated March 02, 2000 at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
CARL W. WOOD  
LORETTA M. LYNCH  
Commissioners

SECTION 29, T.18 S, R.25 E.



SCALE: 1"=100'





SCALE: 1"=50'

### PROPOSED CHANGES R.R. X-ING BAC 253.15 (ASSUMED X-ING NUMBER)

