

ORIGINALDecision No. 82183

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the amended application
 of SOUTHERN PACIFIC TRANSPORTATION COMPANY
 for an order authorizing the construction
 at grade of an industrial drill track in,
 upon and across Distribution Way and Midway
 Street, and an industrial spur track in,
 upon and across Midway Street, in the City
 of Cerritos, County of Los Angeles, State
 of California.

Application No. 54243
 (Filed August 15, 1973)
 (Amended October 10,
 1973)

(Amended Title)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial drill track at grade across Distribution Way and Midway Street and an additional spur track across Midway Street in the City of Cerritos, County of Los Angeles.

By an amended motion filed pursuant to Rule 17.1(e) of the Commission's Rules of Practice and Procedure, applicant seeks an order from the Commission that the construction of the industrial drill track and spur crossings be included under the categorical exemptions established in the Guidelines issued by the California Resources Agency.

The motion as amended will be denied. The construction of the drill track and the new grade crossings are not projects included in the categorical exemptions set forth in the Guidelines. Section 15116 of the Guidelines^{1/} provides that the Commission shall list

^{1/} Guidelines, Art. 8 (Categorical Exemptions) 15116. Application to Public Agencies. The classes listed in this article are broadly drawn, as are the examples given with each. Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each class, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes.

those specific activities under its jurisdiction which fall within each class of exemptions with the caveat that these lists must be consistent with both the letter and the intent expressed in the classes.

In promulgating Rule 17.1 we gave specific attention to the matter of grade crossings. The specific categorical exemptions listed in Rule 17.1(m) do not make any reference to the construction of drill tracks or grade crossings. Rather, the reference to grade crossings is limited to alterations of existing crossings.^{2/} The effect of the motion, if granted, would be to add a new categorical exemption. It is not within our power to add to, or delete from, the list of categorical exemptions.^{3/} Specific procedures are outlined in the Guidelines for the amendment of the list of categorical exemptions.^{4/}

Pursuant to the requirement of Rule 17.1(n)(1)B2, the staff examined the site of the proposed drill track and crossings and submitted its report thereon. According to the staff report, the proposed construction lies within an area zoned for industrial development. Both Distribution Way and Midway Street at the locations of the proposed crossings are open to traffic and fully paved with curbs and gutters in place. The proposed drill track and spur track which are in place across Midway Street will serve Cerritos Distribution Associates whose building is constructed in the northwest quadrant of the proposed crossing of Distribution Way. Other buildings are under construction in the southwest quadrant of said crossing and the southeast quadrant of the crossing of Midway Street.

^{2/} Rule 17.1(m), (1)A.5, 6, 7 and (1)B.2.

^{3/} Section 21086, Public Resources Code; Guidelines Sections 15014 and 15051.

^{4/} Guidelines Sections 15115, 15116; Rule 17.1(m)2.

There are, however, a number of other crossings in the industrial zoned area providing rail service to various industries.

Approximately two train movements per day, on average, will be made Monday through Friday over the proposed crossings. Similar train operations already exist at the other crossings in the area. Traffic flow on Distribution Way and Midway Street will be interrupted only during switching operations.

Applicant states that the proposed tracks are required in order to provide rail service to Cerritos Distribution Associates and a developing area which is part of the industrial complex. It is also stated that a separation of grades is not practicable. A map and profile of Division Engineer's Drawing No. B-5824 dated February 9, 1973 and revised September 4, 1973 was attached to the application as amended. Traffic is expected to be light over both crossings and Standard No. 1R crossing signs should provide adequate protection. For safety reasons, clearance requirements and walkway requirements should conform to General Order Nos. 26-D and 118, respectively. Since these are new crossings the costs of construction and maintenance of such crossings would be a proper cost to the applicant and maintenance of approaches would be a proper cost to the city. The applicant also requests waiver of the usual 20 day waiting period alleging that one of the industries, whose building is complete is ready to receive equipment for food processing.

A copy of Resolution Nos. 73-22 and 73-23, dated April 19, 1973, issued by the City of Cerritos was filed with the application. A copy of Resolution No. 73-46 dated September 5, 1973 was filed with the amended application. The resolutions grant permits to the applicant to construct, maintain and operate railroad drill tracks across Distribution Way and Midway Street and an additional spur track across Midway Street.

Notice of the application was published in the Commission's Daily Calendar on August 16, 1973 and notice of the amended application was published on October 12, 1973. No protest has been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

1. The request is in the public interest and should be granted.
2. Applicant should be authorized to construct an industrial drill track and spur track, at grade, at the locations and in accordance with the plan set forth in the application as amended to be identified as Distribution Way (Crossing No. BK-501.85-C) and Midway Street (Crossing No. BK-501.78-C).
3. The width of Crossing No. BK-501.85-C should be not less than 48 feet and Crossing No. BK-501.78-C not less than 44 feet with grades of approach not greater than one percent. Crossing construction should be equal or superior to Standard No. 2 (General Order No. 72-B). Protection at each crossing should be by two Standard No. 1-R signs (General Order No. 75-C). Clearances, including any curbs, should conform to General Order No. 26-D. Walkways adjacent to the crossings should conform to General Order No. 118.
4. Construction cost of each crossing and installation of crossing protection should be borne by the applicant. Maintenance cost of each crossing outside of lines two feet outside of rails should be borne by the City of Cerritos and the railroad should bear the maintenance cost of each crossing between such lines.
5. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

6. The applicant's request for waiver of the 20-day period in view of the urgent need of track service for one of the industries appears reasonable and should be granted.

O R D E R

1. The application, as amended, is granted conditioned on the findings and conclusions set forth above.

2. 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 one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

3. The motion considered herein is denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California,
this 27th day of NOVEMBER, 1973.

Vernon L. Sturges
President
William J. Synovis
L. M. Brown
W. M. [illegible]
[illegible]
Commissioners