

Decision No. 83945

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
SOUTHERN PACIFIC TRANSPORTATION COMPANY)
for an order authorizing the construction)
at grade of an industrial spur track in,)
upon, along or across Colorado Avenue in,)
the City of Helm, County of Fresno, State)
of California.)

Application No. 55346
(Filed November 26, 1974) .

INTERIM OPINION

The Southern Pacific Transportation Company (applicant) seeks an order of the Commission authorizing the construction, at grade, of an industrial spur track across Colorado Road at Helm, County of Fresno.

This industrial spur track will serve the warehouse facilities of Valley Nitrogen Producers, Inc. at Helm.

The County of Fresno is the lead agency for the Valley Nitrogen Producers, Inc. facilities development and has filed a Negative Declaration with the county clerk as required by the California Environmental Quality Act of 1970, as amended.

Applicant alleges that Valley Nitrogen Producers, Inc., the industry to be served by the proposed industrial spur track, is in need of immediate track service to its warehouse facilities.

The applicant has requested that authorization be granted to construct the crossing with temporary protection of crossing signs and with all movements over the crossing protected by a member of the train crew until automatic protection can be placed in service.

The proposed crossing is near existing crossing of Colorado Road, BAO-197.6-C which also serves Valley Nitrogen Producers, Inc. The county wishes the existing crossing to have the same level of protection as the new crossing; also it proposes a time limit for crossing blockage. The county does not object to the construction of the new crossing.

The two matters of the county, Crossing No. BAO-197.6-C protection and the crossing blockage time limit cannot be resolved without a public hearing. Since the county has no objection to the new crossing and Valley Nitrogen Producers, Inc. will endure severe hardship by delaying the construction of this crossing, the application should be granted and the matters in disagreement be set for hearing.

Notice of the application was published in the Commission's Daily Calendar on November 27, 1974.

F I N D I N G S

After consideration, the Commission finds:

1. The proposed construction will provide rail service to new warehouse facilities of Valley Nitrogen Producers, Inc.
2. Applicant should be authorized to construct an industrial spur track, at grade, across Colorado Road at Helm, County of Fresno, at the location and substantially as shown by plans attached to the application.
3. Costs of constructing the crossing should be borne by the applicant.
4. Installation and maintenance costs of the automatic protection should be borne by the applicant.
5. It can be seen with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

6. The industry to be served is in need of service over this track and the applicant should be authorized to proceed with construction with interim protection at the crossing as requested in the application.

7. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.

8. The matters concerning the protection of Crossing No. BAO-197.6-C and the crossing blockage time limit should be set for hearing.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The Southern Pacific Transportation Company (applicant) is authorized to construct an industrial spur track at grade across Colorado Road at Helm, County of Fresno, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. BAO-197.30-C.

2. Protection at the crossing shall be two Standard No. 9 gates (General Order No. 75-C).

3. Costs of constructing the crossing shall be borne by the applicant.

4. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B). Crossing width shall conform to the existing street with tops of rails flush with the street.

5. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

6. Installation and maintenance costs of the automatic protection shall be borne by the applicant.

7. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

8. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R signs (General Order No. 75-C) and no on-rail vehicle shall be operated over said crossing unless it shall first be brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as a flagman. Written instructions shall be issued by the railroad to trainmen, operating over said crossing, to comply with said flagging instructions. A copy of said instructions shall be filed with the Commission within thirty days after installation of said crossing. Flagging procedures, outlined herein, shall remain in full force until the required automatic protection is installed.

9. The issues of the crossing protection of Southern Pacific Transportation Company's spur crossing of Colorado Road, BAO-197.6-C, and the crossing blockage time limit shall be decided at a place and time to be set at a later date of which all interested parties shall be notified by the Secretary of the Commission.

10. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing.

This authorization shall expire is not exercised within two years unless time be extended or if the above conditions are not complied with.

This authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 30th
day of DECEMBER, 1974.

Vernon L. Sturgeon
President

William Lyons, Jr.

Thomas Moran

[Signature]

Robert E. McLeod
Commissioners