

Decision 88 04 021 APR 13 1988

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 drill track in,)
upon and across ASHE ROAD in the City of)
Bakersfield, County of Kern, State of)
California.)
_____)

Application 87-09-031
(Filed September 22, 1987)

O P I N I O N

Southern Pacific Transportation Company (SPT) requests authority to construct a spur track at grade across Ashe Road in Bakersfield, Kern County.

The existing spur track diverges from SPT's Buttonwillow Branch line and terminates east of Ashe Road. Tenneco Realty Development is expanding an industrial subdivision and needs rail service to the new sites west of Ashe Road. The proposed track construction will extend the existing spur track across Ashe Road.

The Commission 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. The site of the proposed project has been inspected by the Commission's Traffic Engineering staff. The staff examined the need for and safety of the proposed project. The staff recommends that the new rail crossing be approved subject to the installation of automatic gate-type signals.

Application 87-09-031 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway. The existing grade conditions and low vehicular and train volumes do not warrant grade separation at this location. A sketch of the project vicinity is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on September 28, 1987. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201-1205 to construct a spur track at grade across Ashe Road in Bakersfield, Kern County.
2. The proposed spur track crossing of Ashe Road is required to provide rail service to new industrial sites.
3. Public convenience and necessity require construction of the proposed spur track crossing.
4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
5. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossing will be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.
6. The Commission is the lead agency for this project under CEQA, as amended.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct a spur track at grade across Ashe Road in Bakersfield, Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BT-322.35-C.

2. Construction of the crossing shall be equal or superior to Standard No. 2 of GO 72-B.

3. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

4. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (GO 75-C).

5. Until such time as the automatic protection is fully operational, no rail vehicle shall operate over the crossing unless it is first 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. The flagman shall place a minimum of two fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by SPT to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Ashe Road calling the attention of trainmen to the flagging instructions.

7. Construction expense of the crossing and installation cost of the automatic protection shall be borne by SPT.

8. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

9. Within 30 days after completion of the work under this order, SPT shall notify the Commission in writing that the authorized work has been completed.

10. 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.

11. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated APR 13 1988, at San Francisco, California.

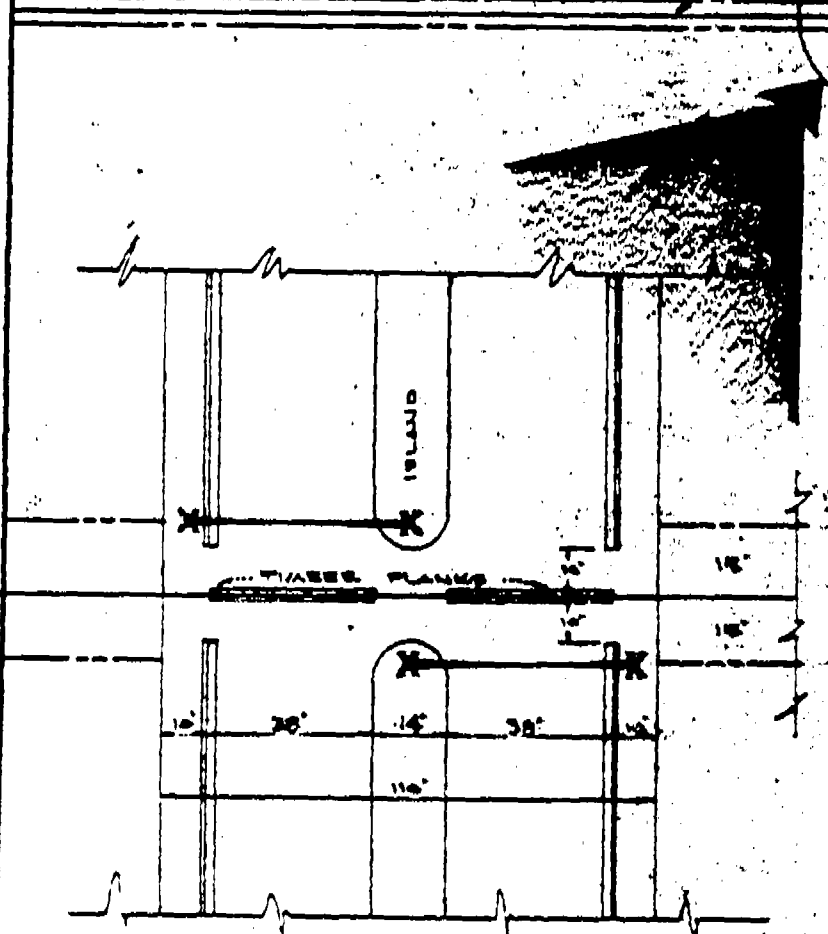
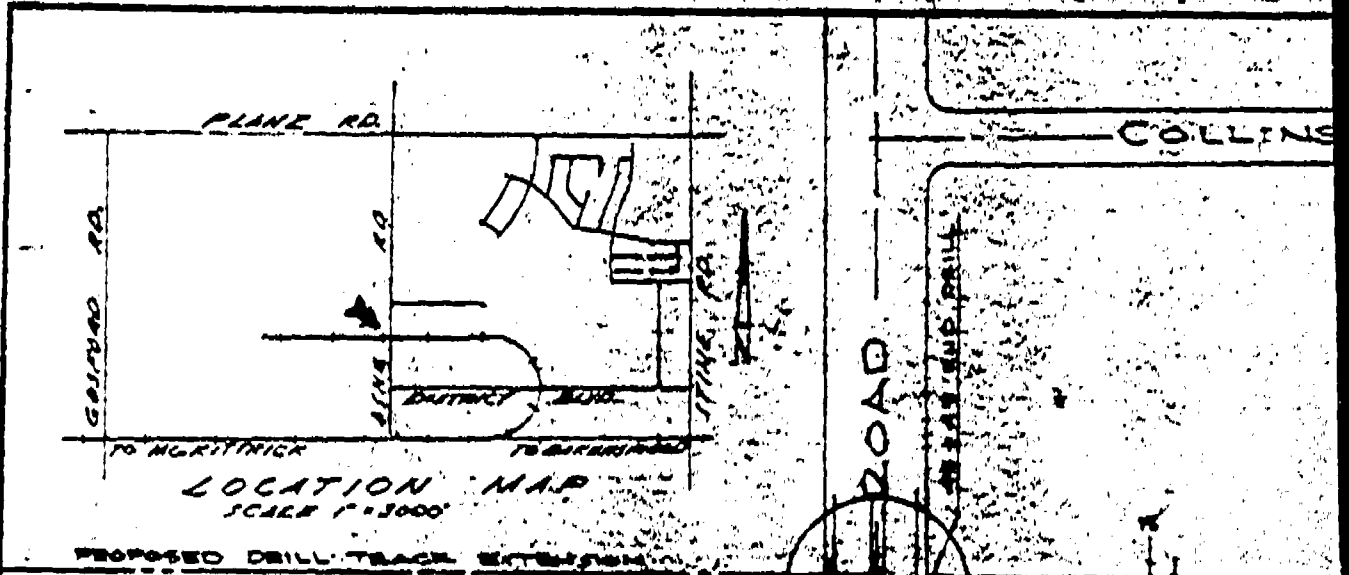
STANLEY W. HULETT
President
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Wenzler, Executive Director

APPENDIX A.



INSERT
SCALE 1"=40'



BT-322-35-C
XING NO. 35-380

DISTRICT

MISSISSIPPI ROAD