

Decision 89 03 047

MAR 2 2 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN PACIFIC )  
 TRANSPORTATION COMPANY for Authority )  
 to Construct, Maintain and Operate )  
 a Spur Track at Grade Upon and )  
 Across Enterprise and Lemon Streets, )  
 City of Los Angeles, County of Los )  
 Angeles, State of California. )

Application 88-12-048  
(Filed December 27, 1988)

O P I N I O N

The Southern Pacific Transportation Company (SPT) requests authority to construct an industrial spur track at grade across Enterprise and Lemon Streets in Los Angeles, Los Angeles County.

The proposed industrial spur track will provide rail service to the new Los Angeles Times printing plant and newsprint warehouse. It is proposed to construct a building of approximately 65 feet in height with 300,000 square feet of floor space. This building will house all the press/production operation, fleet garage and newsprint storage areas of the Los Angeles Times. The new facility will be on a 24-hour, 7-days a week operation, with approximately 180 to 200 employees working during a shift.

The site is located generally northerly of Olympic Boulevard and easterly of Alameda Street in the industrially zoned area of Central City, easterly of the new produce market.

The City of Los Angeles (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. After preparation and review of an Initial Study, City issued a Negative Declaration, and approved the project. The Negative Declaration determined "that this project will not have significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

SPT also requests waiver of Rule 40(a) of Rules of Practice and Procedure which relates to agreements between railroads and local jurisdictions. SPT has included as a part of the application City's Ordinance No. 164116, which granted a permit to build the spur track. However, SPT is not in full agreement with those terms and conditions of Ordinance No. 164116 which incorporate Division 13, Chapter 3, Articles 1 through 3 of City's Administrative Code. SPT states that, in the future, should City and SPT be unable to resolve their differences they will seek resolution by further application to the Commission.

With Ordinance No. 164116 City grants its permission to construct the spur track. The requirements of both P.U. Code Section 7555 and Rule 40(a) are thus fulfilled by Ordinance No. 164116, and further review of the ordinance is not necessary in this proceeding.

Due to extremely light vehicular traffic at Enterprise Street, it is proposed that the crossing be protected by two Standard No. 1-R signs, whereas at more heavily travelled Lemon Street the protection will be two Standard 8-A automatic flashing lights with cantilever arms, this is consistent with similar type of protection in downtown heavy industrial areas.

The Commission's Traffic Engineering staff has reviewed the plans for the proposed industrial spur track and also made field inspections of the project site and recommends that SPT's request be granted.

SPT wishes to provide rail service to the Times Plant in early March 1989, and therefore requests that the usual 30-day effective date on the order be waived. We will make our order effective immediately.

Notice of the application was published in the Commission's Daily Calendar on January 3, 1989. 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 an industrial spur track at grade across Lemon and Enterprise Streets in Los Angeles, Los Angeles County.
2. The proposed industrial spur track crossings of Enterprise and Lemon Streets are required to provide rail service to Los Angeles Times Printing Plant, a new industrial building in the City of Los Angeles.
3. Public convenience and necessity require construction of the proposed industrial spur crossings.
4. Public safety requires that protection of the crossings be: two Standard No. 1-R crossing signs at Enterprise Street (because of the low volume of vehicular traffic) and two Standard No. 8-A automatic flashing light signals with cantilevers (General Order (GO) 75-C) at Lemon Street (because of the heavier volume of vehicular traffic).
5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.
6. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application should be granted as set forth in the following order.
2. The usual 30-day effective date on an order should be waived as SPT wishes to provide rail service to the Times Printing Plant in March 1989.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial spur track across Lemon and Enterprise Streets in Los Angeles, Los Angeles County, at the locations and substantially as shown by plans attached to the application and Appendix "A" of this order. The Lemon Street crossing is to be identified as Crossing No. BG-486.51.C. The Enterprise Street crossing will retain its crossing identification of BG 486.50-C.
2. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
3. Protection at the Enterprise Street crossing shall be two Standard No. 1-R crossing signs and at the Lemon Street crossing, two Standard No. 8-A automatic flashing light signals with cantilever arms (GO 75-C).
4. Construction expense of the crossing and installation cost of the automatic protection shall be borne by SPT.
5. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by SPT.
6. 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.
7. This authorization shall expire if not exercised within two years unless time is extended or the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.

This order is effective today.

Dated MAR 22 1989, at San Francisco, California

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

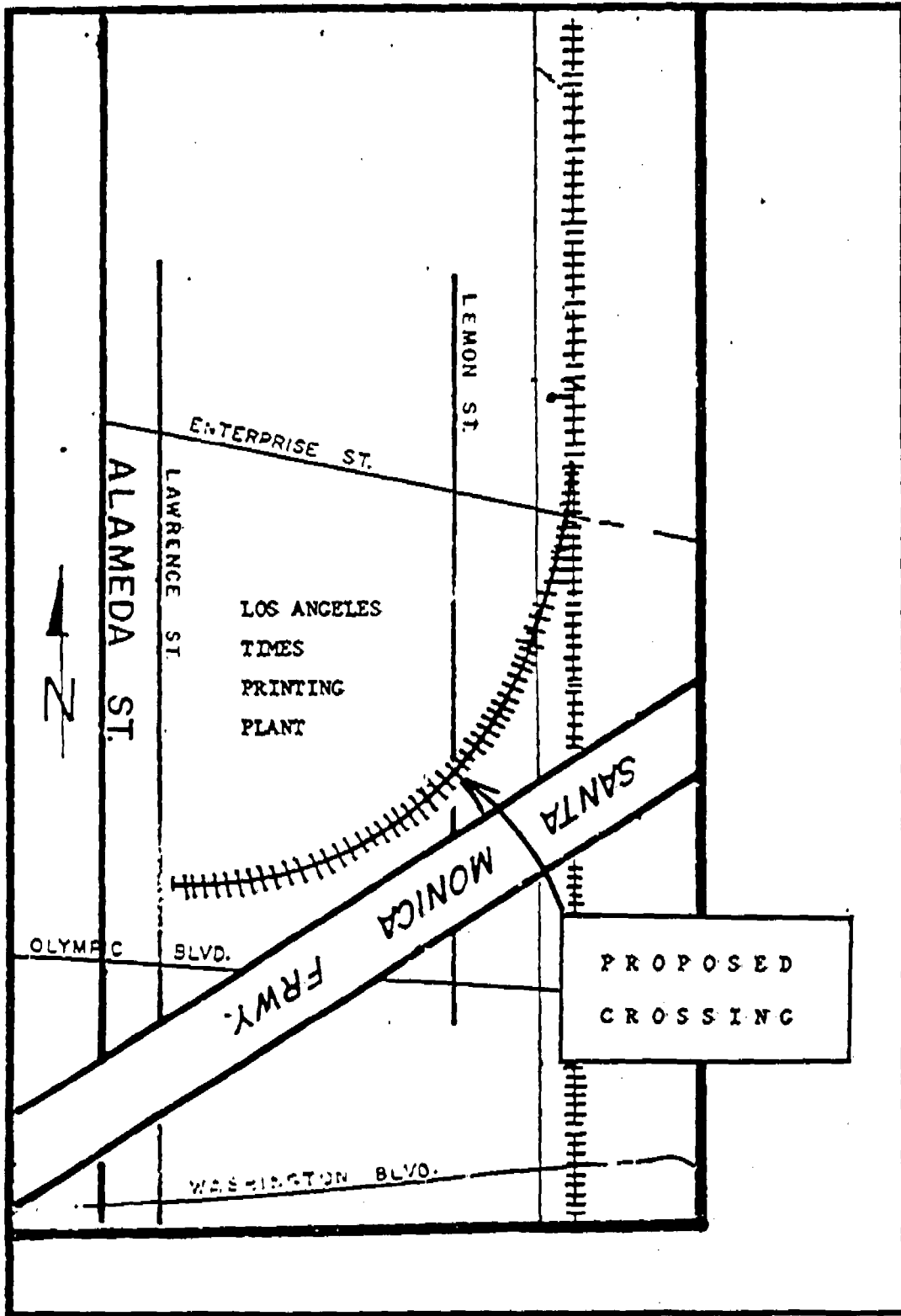
Commissioner Patricia Eckert,  
present but not participating

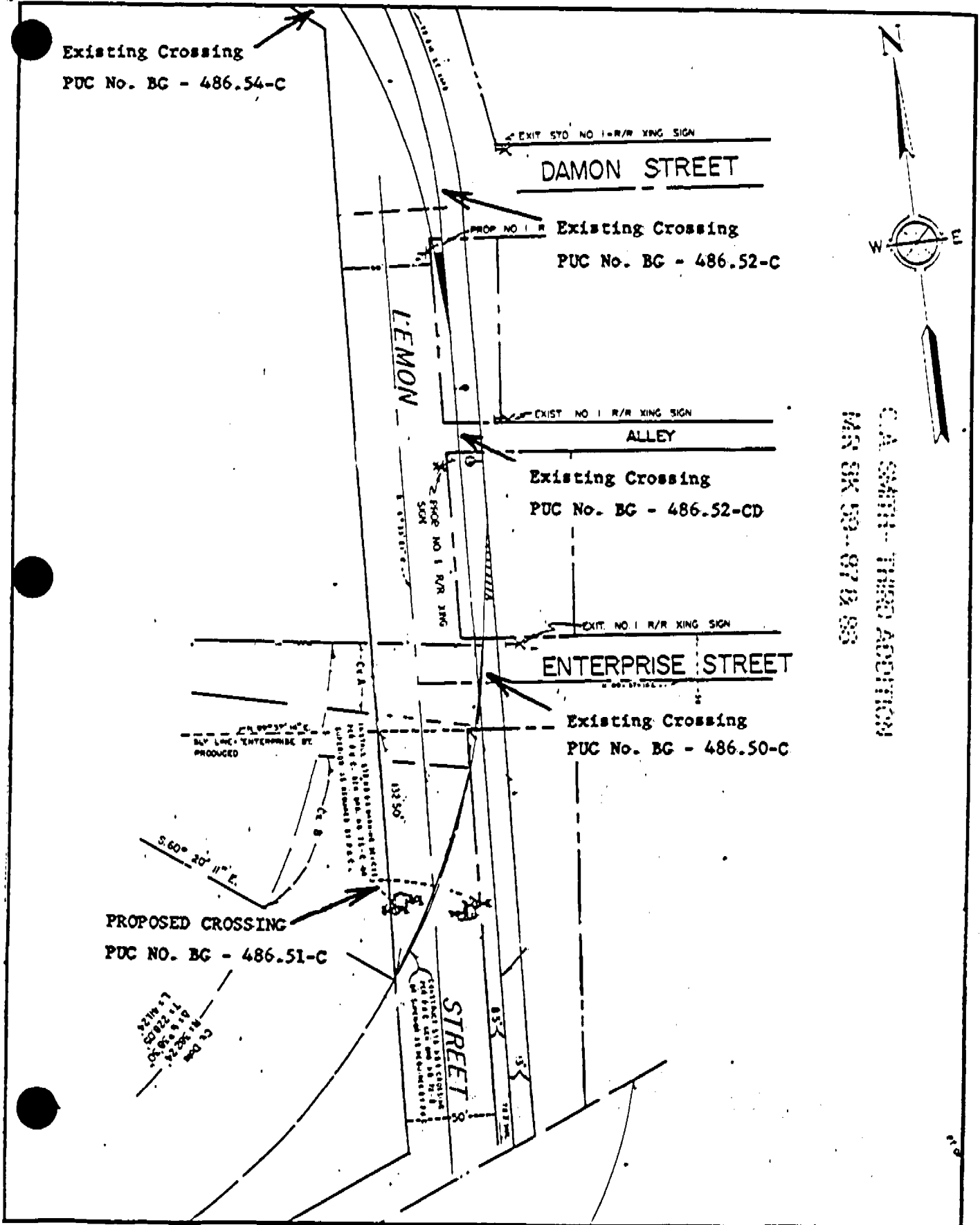
I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY



Victor Weissert, Executive Director

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Existing Crossing  
PUC No. BG - 486.54-C

DAMON STREET

Existing Crossing  
PUC No. BG - 486.52-C

LEMON

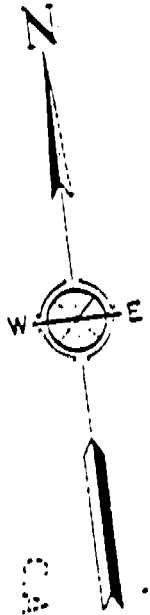
ALLEY

Existing Crossing  
PUC No. BG - 486.52-CD

ENTERPRISE STREET

Existing Crossing  
PUC No. BG - 486.50-C

PROPOSED CROSSING  
PUC NO. BG - 486.51-C



C.A. SMITH - THIRD ADDITION  
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