

S/ASC/bcy

Decision 90 02 026 FEB 23 1990

Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
the City of Tulare for an order)
authorizing the construction of a)
Southern Pacific Transportation) Application 89-07-016
Company drill track at grade over and) (Filed July 10, 1989)
across Continental Avenue, approxi-)
mately 513 feet easterly of "O")
Street, in said City of Tulare.)

O P I N I O N

The City of Tulare (City) requests authority to construct a Southern Pacific Transportation Company (SPT) drill track at grade across Continental Avenue in the City of Tulare, Tulare County.

The existing spur track diverges from SPT's main line and terminates south of Continental Avenue. City's industrial park is expanding and needs rail service to the new sites north of Continental Avenue. The proposed track construction will extend the existing drill track across Continental Avenue.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On August 7, 1989 a Notice of Determination was filed with the Tulare County Clerk which found that "The initial study shows that there is no substantial evidence that the project or any of its aspects will cause a 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. The site of the proposed

project has been inspected by the Commission's Safety Division 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 89-07-016 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 July 13, 1989. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct a SPT drill track at grade across Continental Avenue in the City of Tulare, Tulare County.
2. The proposed drill track crossing of Continental Avenue is required to provide rail service to new industrial sites.
3. Public convenience and necessity require construction of the proposed drill track crossing.
4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).
5. City is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.
7. The project will have no significant impact 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. The City of Tulare (City) is authorized to construct a Southern Pacific Transportation Company (SPT) drill track at grade across Continental Avenue in the City of Tulare, Tulare County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-252.1-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 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 two Standard No. 9 automatic gate-type signals (GO 75-C).

5. Construction expense of the crossing and installation costs of the automatic protection shall be borne in accordance with an agreement to be entered into between SPT and City. A copy of the agreement, together with plans of the crossing approved by SPT, shall be filed with the Commission's Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

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

7. Within 30 days after completion of the work under this order, City shall notify the Commission's Safety Division in writing that the authorized work has been completed.

8. 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.

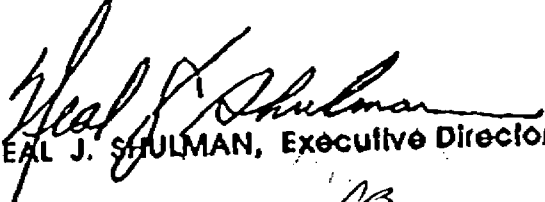
9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated FEB 23 1990, at San Francisco, California.

G. MITCHELL WALK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHULMAN, Executive Director

AVENUE

CONTINENTAL

"O" STREET

EXIST 30' DRILL TRACK R/W
(PER PARCEL 3 OF PM 1411)

AT-GRADE CROSSING OF
PUBLIC STREET FOR
WHICH THIS APPLICATION
IS BEING SUBMITTED.

EXIST PIPE
CASINGS SEE
PROFILE.

CITY OF TULARE
WELL SITE NO. 17

2090' +/-

10' 5 5'

EXIST 12" WATER
EXIST 8" SS
EXIST 15" SO

(C&G)

(C&G)

(C&G)

(C&G)

513' +/-

10'

24'

24'

10'

PROPOSED

(RAL- 73.82)

EXISTING DRILL TRACK