

ORIGINAL

Decision 82 02 056 FEB - 4 1982

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 60873
(Filed September 2, 1981)

O P I N I O N

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

The Commission 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. The site of the proposed project has been inspected by the Commission staff.

Tenneco Realty Development Corporation (Tenneco) is expanding its Stockdale Industrial Park, located in the southwest portion of Bakersfield, to meet the demand for rail-served industrial sites. This project will extend the existing industrial drill track which serves the area east of Ashe Road to serve the area being developed west of Ashe Road.

SPT states that Tenneco desires to receive rail service in the very near future. It is, therefore, requested that the usual 30-day effective date on an order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on September 18, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201 to 1205 to construct an industrial drill track at grade across Ashe Road in Bakersfield, Kern County.
2. The proposed industrial drill track crossing of Ashe Road is required to provide rail service to an industrial area being developed by Tenneco.
3. Public convenience and necessity require construction of the proposed industrial drill track crossing.
4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (General Order 75-C).
5. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 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.

8. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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 Tenneco desires to receive rail service in the very near future.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial drill track at grade across Ashe Road in Bakersfield, Kern County, at the location and substantially as shown by the plan 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. 1 of the General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

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

5. 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 crossing signs (General Order 75-C). No on-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 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 the railroad 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 General Order 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

9. Within 30 days after completion, under this order, SPT shall advise the Commission in writing.

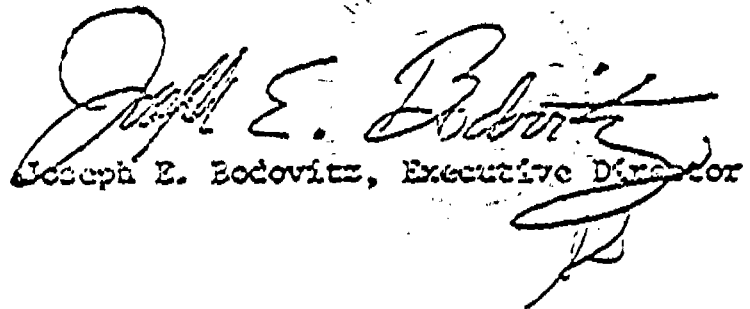
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order is effective today.

Dated FEB 4 1982, at San Francisco, California.

JOHN E. BRISON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director