

Decision No. 87344

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 or relocation at )  
grade of an industrial spur track )  
in, upon and across Market Avenue )  
in the County of Contra Costa, )  
State of California. )

Application No. 57203  
(Filed April 5, 1977)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct or relocate an industrial spur track at grade across Market Avenue (Crossing No. A-16.6) in Contra Costa County.

Construction of the existing spur track was authorized by the Commission in 1950. Rheem Manufacturing Company, the industry served by the spur track, has requested that the railroad relocate the spur track to better serve its current requirements.

Applicant alleges that this project qualifies for a Class 2 Exemption from the requirements of the California Environmental Quality Act of 1970, as amended, pursuant to Rule 17.1(m)(B) 1 and 2 of the Commission's Rules of Practice and Procedure.

Applicant requests that the usual 20-day waiting period be waived as Rheem Manufacturing Company, the industry served by the spur track, desires rail service on the relocated spur track at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on April 7, 1977. No protests have been received. A public hearing is not necessary.

### F I N D I N G S

After consideration the Commission finds:

1. Applicant should be authorized to relocate an existing spur track at grade across Market Avenue in Contra Costa County at the location and substantially as shown by the plans attached to the application. The relocated spur track crossing should continue to be identified as a portion of Crossing A-16.6.
2. Protection at the relocated crossing should be two Standard No. 1-R signs (General Order 75-C). The signs should be lettered on both sides with black letters on a white reflectorized background.
3. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
4. Clearances should be in accordance with General Order 26-D. Walkways should conform to General Order 118.
5. Costs of relocating the spur track crossing and installation cost of the signs should be borne by the applicant.
6. Maintenance of the crossing should be in accordance with General Order 72-B.
7. After completion of the relocated spur track crossing, the existing spur track crossing should be abandoned and physically removed.
8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
9. Rheem Manufacturing Company, the industry to be served, desires rail service on the relocated spur track at the earliest possible date; therefore, the usual 20-day waiting period should be waived.

### 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. Southern Pacific Transportation Company is authorized to relocate an industrial spur track at grade across Market Avenue in Contra Costa County as set forth in the findings of this decision.
2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.
3. 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup>  
day of MAY, 1977.

*Submitt*

Robert Buterick  
President  
William L. Gurnea, Jr.  
Vernon L. Sturgeon  
Charles W. Swartz

Commissioners