

ORIGINAL

Decision No. 87842 SEP 13 1977

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) Application No. 57245
industrial spur track in, upon and) (Filed April 21, 1977)
across "K" and "L" Streets, and in,)
upon and along Sonora Street, in)
the City of Tulare, County of)
Tulare, State of California.)

O P I N I O N

As part of the Dairyman's Cooperative Creamery Association Manufacturing Plant Expansion Project, 1976-1982, the Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across "K" and "L" Streets and along Sonora Street in the City of Tulare, Tulare County.

The City of Tulare is the lead agency for the plant expansion project pursuant to the Environmental Quality Act of 1970, as amended. After review of the Environmental Impact Report, the City Council of the City of Tulare approved the plant expansion project and on February 24, 1977 filed a Notice of Determination with the Tulare County Clerk which found that "the project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on April 25, 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 construct an industrial spur track at grade across "K" and "L" Streets and along Sonora Street in the City of Tulare, Tulare County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing B-250.36-C ("K" Street) and Crossing B-250.44-C ("L" Street).

2. Construction of the "K" Street Crossing should be equal or superior to Standard No. 3 of General Order 72-B.
Construction of the "L" and Sonora Street Crossings should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the "K" Street Crossing should be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C). Protection at the "L" Street Crossing should be two Standard No. 1-R crossing signs (General Order 75-C) lettered both sides on reflectorized white background.
5. For a period not to exceed one year from the date of this order, protection at the "K" Street Crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The crossing signs should be lettered both sides on reflectorized white background. No on-rail vehicle should be operated over the crossing unless it shall first be 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.
6. Written instructions should be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions should be filed with the Commission within thirty days after installation of the crossing. Suitable signs should be installed on both sides of the crossing calling the attention of trainmen to the flagging instructions. Flagging procedures outlined herein should remain in full force until the required automatic protection is installed and operative.
7. Construction cost of the crossings and installation cost of the signs and automatic protection should be borne by the applicant.

8. Maintenance of the crossings should be in accordance with General Order 72-B. Maintenance cost of the signs and automatic protection should be borne by the applicant.
9. The City of Tulare is the lead agency for the Dairyman's Cooperative Creamery Association Manufacturing Plant Expansion Project, 1976-1982, pursuant to the California Environmental Quality Act of 1970, as amended, and on February 15, 1977 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the final EIR and Notice of Determination in rendering its decision on this project and finds that:
 - a. The environmental impact of the proposed action is insignificant.
 - b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
 - c. There are no known irreversible environmental changes involved in this project.

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. The Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across "K" and "L" Streets and along Sonora Street in the City of Tulare, Tulare 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.

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This authorization shall expire if not exercised within one year 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 shall be twenty days after the date hereof.

Dated at San Francisco, California this 13th day of SEPTEMBER, 1977.

Robert Bahr
President
William Guynn Jr
Vernon L. Sturgeon
Gerald D. Howell
Clair J. DeLoach
Commissioners