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TH-2 2525

Decision No. 89687 NOV 28 1978

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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 spur track in, }
upon and across Edison Highway in the }
County of Kern, State of California. }

Application No. 58195
(Filed July 3, 1978)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across Edison Highway near the City of Bakersfield, Kern County.

Egland Lumber Company, the industry to be served, presently receives rail shipments of lumber at a leased area approximately 1,000 feet to the west of its lumber yard. The proposed industrial spur track will provide rail service directly to Egland Lumber Company's yard. As part of the project, the existing spur track which serves the leased area, and which crosses Edison Highway as a part of Crossing BT-314.2-C, will be removed.

The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. Applicant is the proponent for the project and has filed an Environmental Data Statement with the Commission which concludes that "The proposed crossing will have no significant impact on the environment." The Commission's staff has reviewed applicant's proposal, inspected the site of the proposed project, and filed a report which supports applicant's conclusion.

Notice of the application was published in the Commission's Daily Calendar on July 6, 1978. 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 Edison Highway near the City of Bakersfield, Kern County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing B-314.15-C.

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2. Construction of the crossing should be equal or superior to Standard No. 2 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 crossing should be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C).

5. For a period not to exceed six months from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered both sides on reflectorized white background. No on-rail vehicle should operate over the crossing unless it is first brought to a stop and traffic on the highway protected by a member of the train crew, or other competent employee of the railroad, acting as a flagman. The flagman should place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

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 Edison Highway, calling the attention of trainman to the flagging instructions. Flagging procedures outlined in Finding 5 should remain in full force until the required automatic protection is installed and operative.

7. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

8. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant.

9. Upon completion of the new industrial spur track, the existing spur track which serves the leased area, and which is identified as a portion of Edison Highway Crossing BT-314.2-C, should be removed.

10. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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 Edison Highway near the City of Bakersfield, Kern 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.

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 thirty days after the date hereof.

Dated at San Francisco, California, this 28th day of NOVEMBER, 1978.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Robert Buttrick
President
William Sproun Jr
Richard D. Coyle
Clair T. Delaney
Commissioners