

SD

Decision No. 90623

JUL 31 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Tulare to  
construct at grade an industrial spur  
track across South "K" Street approxi-  
mately 605 feet north of Paige Avenue )

Application No. 58373  
(Filed September 22, 1978)  
(Amended March 16, 1979)

O P I N I O N

The City of Tulare requests authority to construct an industrial spur track at grade across South "K" Street approximately 605 feet north of Paige Avenue in the City of Tulare, Tulare County. The Southern Pacific Transportation Company will be operating over this spur track.

The City of Tulare is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study, the City of Tulare issued a Negative Declaration and approved this project. On September 12, 1978, a Notice of Determination was filed with the Tulare County Clerk, which found that "the project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

The project is located in the Tulare Industrial Site Foundation Industrial Park, which contains about 175 acres, and is zoned M-2 (Heavy Industrial Zone). The area north of the spur track is presently developed with commercial and industrial businesses. The property south of the track is under development.

The City, in its amended application, requests that the usual thirty-day waiting period be waived, as the industry to be served has immediate need for rail service. Therefore, the usual thirty-day waiting period should be waived.

Notice of the application was published in the Commission's Daily Calendar on September 25, 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 South "K" Street approximately 605 feet north of Paige Avenue in the City of Tulare, Tulare County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing B-251.9-C.

2. Construction of the crossing should be equal or superior to Standard No. 4-C 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 four Standard No. 9 automatic gate-type signals (General Order 75-C).

5. For a period not to exceed six months from 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 on 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 roadway 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 "K" Street, calling the attention of trainmen to the flagging instructions. The flagging procedures outlined herein should remain in full force until the required automatic protection is installed and operative.

7. Parking on "K" Street within 25 feet of the crossing should be prohibited.

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

9. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

10. Construction plans of the crossing, approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

11. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

12. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

13. This project will have no significant impact on the environment.

14. The industry to be served has immediate need for rail service; therefore, the usual thirty-day waiting period should be waived.

### C O N C L U S I O N

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 City of Tulare is authorized to construct an industrial spur track at grade across South "K" Street approximately 605 feet north of Paige Avenue 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.

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.

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The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 31st day of JULY, 1979.

John E. Bryan  
President

Virginia L. Stevenson

Richard C. Howell

Alvin T. Smith

Samuel W. Smith  
Commissioners