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Decision No. 90624

JUL 31 1979

ORIGINAL

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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 drill track in, }
upon, along or across Grissom Avenue in }
the City of Bakersfield, County of Kern, }
State of California. }

Application No. 58677
(Filed February 14, 1979)

O P I N I O N

As part of the project for development of the Stockdale Industrial Park, the Southern Pacific Transportation Company requests authority to construct an industrial drill track at grade across Grissom Avenue in the City of Bakersfield, Kern County.

The City of Bakersfield is the lead agency for the project to develop the Stockdale Industrial Park pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

Development of the Stockdale Industrial Park has been progressing on a parcel by parcel basis and after preparation and review of Parcel Maps 4342 and 5140, which cover the area on which the proposed drill track is to be constructed, the City of Bakersfield approved these projects and issued Negative Declarations. On September 15, 1977, and January 17, 1979, respectively, a Notice of Determination was filed with the Kern 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 studies and Negative Declarations. The site of the proposed project has also been inspected by the Commission staff.

The proposed project is located in an industrial area that is zoned M-1 (light manufacturing) with the developed portions receiving rail service by an existing drill track which diverges from the railroad's Buttonwillow Branch Line. The new portion of the subdivision will receive rail service from a new drill track which diverges from the existing drill track to cross Grissom Avenue.

Applicant advises that the industry to be served has need for rail service at the earliest possible date and, therefore, requests that the usual thirty day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on February 16, 1979. 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 drill track at grade across Grissom Avenue in 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 BT-321.6-C.
2. Construction of the crossing 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 crossing should be two Standard No. 8-A flashing light signals with cantilevers (General Order 75-C).
5. For a period not to exceed six months from date of this order, protection at this 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 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 Grissom Avenue, calling the attention of trainmen to the flagging instructions.

The flagging instructions outlined herein 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. The City of Bakersfield is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

10. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Parcel Maps and Negative Declarations.

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

12. The industry to be served requires rail service at the earliest possible date; 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 Southern Pacific Transportation Company is authorized to construct an industrial drill track at grade across Grissom Avenue in 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.

A. 58677 SD

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st

day of JULY 1979.

John E. Byrne
President
George L. Stinson
Robert D. Merrill
Clare T. Waring
Leonard J. Brown
Commissioners