

SD

MAR 4 1980

Decision No. 91394

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON,  
TOPEKA AND SANTA FE RAILWAY  
COMPANY for Authority to Maintain  
and Operate an Industrial Lead  
Track Across Curtis Avenue in the  
City of Reedley, County of Fresno,  
State of California.

Application No. 59046  
(Filed August 2, 1979)

O P I N I O N

As part of the project for construction of a cold storage warehouse and office building in the Reedley Industrial Park, The Atchison, Topeka and Santa Fe Railway Company requests authority to construct an industrial lead track at grade across Curtis Avenue in the City of Reedley, Fresno County.

The City of Reedley is the lead agency for construction of the cold storage warehouse and office building 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 Reedley issued a Negative Declaration and approved the project. On June 13, 1978, a Notice of Determination was filed with the Fresno County Clerk which found that "The proposed project will not have a significant impact 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 site of the proposed project has also been inspected by the Commission staff.

The proposed industrial lead track will provide rail service to a cold storage warehouse which is being constructed in the Reedley Industrial Park. The project site is located in a area that is primarily industrial and commercial with limited farming operations. Property to the south is designated for light manufacturing with properties on the other three sides located in and zoned by the County of Fresno.

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 August 7, 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 lead track at grade across Curtis Avenue in the City of Reedley, Fresno County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 2V-47.8-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 one year 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 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 Curtis 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 Reedley 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 Initial Study and Negative Declaration.

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:

SS 1. The Atchisgōn, Topeka and Santa Fe Railway Company is authorized to construct an industrial lead track at grade across Curtis Avenue in the City of Reedley, Fresno 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 is the date hereof.

Dated MAR 4 1980, at San Francisco, California.

John E. Byron  
President

Vernon L. Stevenson

Robert H. Howell

[Signature]  
[Signature]  
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.