

T/SD

Decision No. 92280 OCT 8 1980

ORIGINAL

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 County Road in the City  
of Davenport, County of Santa Cruz,  
State of California.

Application No. 59687  
(Filed May 22, 1980)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial spur track at its existing grade crossing of Cement Plant Road (Crossing EL-90.9-C) in the Davenport area of Santa Cruz County.

The Commission 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. The site of the proposed project has been inspected by the Commission staff.

The proposed industrial spur track will supplement existing rail service to Lone Star Industries' Davenport Cement Plant. Lone Star Industries is converting the cement plant to a coal-fired operation, and the additional track will be used for the delivery of unit coal trains.

Applicant advises that Lone Star Industries desires to receive service over the proposed industrial spur track in the very near future and, therefore, requests that the usual thirty-day waiting period be waived.

Findings of Fact

1. Applicant should be authorized to construct an industrial spur track at grade across Cement Plant Road in the Davenport area of Santa Cruz County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing EL-90.9-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 after installation of the proposed industrial spur track should be two Standard No. 9 automatic gate-type signals (General Order 75-C).

5. For a period not to exceed one year 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 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 industrial spur track crossing. Suitable signs should be installed on both sides of Cement Plant Road 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 industrial spur track 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 Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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.

11. Lone Star Industries desires to receive service over the proposed industrial spur track in the very near future; therefore, the usual thirty-day waiting period should be waived.

#### Conclusion of Law

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 its existing grade crossing of Cement Plant Road (Crossing EL-90.9-C) in the Davenport area of Santa Cruz 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 is the date  
hereof.

Dated OCT 8 1980, at San Francisco,  
California.

John E. Baye  
President

Wesley L. Sturgeon

Richard W. Hoode

Randy W. Pringle  
Commissioners

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