

FEB 18 1981

Decision No. 92744

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 drill track and an industrial spur track in, upon and across Freedom Avenue in the City of Orange, County of Orange, State of California.

Application No. 60058 (Filed November 3, 1980)

O P I N I O N

Southern Pacific Transportation Company requests authority to construct an industrial drill track and an industrial spur track at grade across Freedom Avenue in the City of Orange, Orange 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 drill track and industrial spur track will provide rail service to new warehouse facilities which have been constructed by J. L. Williams & Company. The project is located within an industrial area with many rail-served industries.

Applicant states that J. L. Williams & Company and Duracell Products Company are in need of immediate rail service to their warehouse facilities and, therefore, requests that the usual thirty-day effective date on an order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on November 7, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority pursuant to Sections 1201-1205 of the Public Utilities Code to construct an industrial drill track and an industrial spur track at grade across Freedom Avenue in the City of Orange, Orange County.

2. The proposed industrial spur track and industrial drill track crossing of Freedom Avenue is required to provide rail service to new warehouse facilities which have been constructed by J. L. Williams & Company.

3. Public convenience and necessity require construction of the proposed drill and spur track crossing.

4. Public safety requires that protection at the crossing be two Standard No. 8 flashing light signals (General Order 75-C).

5. Pending installation of the flashing light signals, the requirements for public safety at the crossing may be met by installation of two Standard No. 1-R signs (General Order 75-C) and flagging of the crossing.

6. The Commission is the lead agency for this project pursuant to the California Environmental Act of 1970, as amended.

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

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. The usual thirty-day effective date on the order should be waived, as the industries to be served are in need of immediate rail service.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to construct an industrial drill track and an industrial spur track at grade across Freedom Avenue in the City of Orange, Orange County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing EM-515.67-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

4. Protection at the crossing shall be two Standard No. 8 flashing light signals (General Order 75-C).

5. Parking on Freedom Avenue within 35 feet of the crossing shall be prohibited.

6. 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). No on-rail vehicle shall operate over the crossing unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent employee of the railroad, acting as a flagman. The flagman shall place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

7. Written instructions shall be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within thirty days after installation of the crossing. Suitable signs shall be installed on both sides of Freedom Avenue, calling the attention of trainmen to the flagging instructions. The flagging procedures outlined herein shall remain in full force until the required automatic protection is installed and operative.

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

9. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by the applicant.

10. 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 FEB 18 1981, at San Francisco, California.

John E. Ryan
President
Richard D. Swartz
Samuel M. Quinn

Commissioners