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ORIGINALDecision No. 92903 APR 7 1981

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 relocation
 at grade of an industrial spur track in,
 upon and across Goshen Avenue (Avenue 304)
 in the City of Visalia, County of Tulare,
 State of California. } Application No. 60079
 (Filed November 13, 1980)

O P I N I O N

Southern Pacific Transportation Company requests authority to relocate an industrial spur track at grade approximately 180 feet easterly across Goshen Avenue (Avenue 304) in the City of Visalia, Tulare 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.

Moore Business Forms, Inc. established its Visalia business forms plant on the present site in 1961, at which time a spur track crossing of Goshen Avenue was authorized so that rail service could be provided to the plant. Subsequent expansion of the plant in 1968 required that the spur track crossing be moved 40 feet easterly of the original location. Further plant expansion now makes it necessary to relocate the crossing of Goshen Avenue easterly an additional 180 feet.

Applicant states that Moore Business Forms is in need of immediate rail service to its expanded plant facilities and, therefore, requests that the usual thirty-day effective date on an order be waived. As all concerned parties are in agreement as to the necessity for the crossing, applicants request a waiver of the usual thirty-day effective date on which an order will be granted.

Notice of the application was published in the Commission's Daily Calendar on November 18, 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 relocate an industrial spur track at grade approximately 180 feet easterly across Goshen Avenue in the City of Visalia, Tulare County.
2. The relocated industrial spur track crossing is required to provide continued rail service to the expanded plant facilities of Moore Business Forms.
3. Public convenience and necessity require relocation of the industrial spur track crossing.
4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (General Order 75-C).
5. Pending installation of the automatic gate-type signals, the requirements of public safety at the crossing may be met by installation of two Standard No. 1-R crossing 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 Quality 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 impact 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 industry to be served has need for immediate rail service at its expanded plant facilities.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to relocate an industrial spur track at grade approximately 180' easterly across Goshen Avenue (Avenue 304) in the City of Visalia, Tulare County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing BAC-246.93-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. 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). No on-rail vehicle shall operate over the crossing unless it is first brought to a stop and traffic on the roadway 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 fuseses on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. 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 Goshen Avenue, calling the attention of trainmen to the flagging instructions. The flagging instructions outlined herein shall remain in full force until the required automatic protection is installed and operative.

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

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

9. Upon the completion of the relocated industrial spur track and its opening to rail traffic, the rails at the existing crossing, Crossing BAC-246.9-C, shall be removed and the street area repaved.

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 APR 7 1981, at San Francisco, California.

John S. Conroy
President
Richard J. Grogan
Thomas J. Gentry
Victor Cabre
Presume C. Brew
Commissioners