

T/SD

Decision 93510 SEP 1 1981

**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 Alta Street in the City of }  
Gonzales, County of Monterey, State }  
of California. }

Application 60517  
(Filed May 5, 1981)

O P I N I O N

As part of the Monterey Vineyards Bottling and Warehouse Building Project, Southern Pacific Transportation Company (SPT) requests authority to construct an industrial spur track at grade across Alta Street in Gonzales, Monterey County.

The City of Gonzales is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, the City of Gonzales issued a Negative Declaration and approved the project. On July 21, 1981, a Notice of Determination was filed with the Monterey County Clerk which found that "the project in its final form was determined to have an insignificant effect upon 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 been inspected by the Commission staff.

The Monterey Vineyards Bottling and Warehouse Building Project is part of the continuing planned development of the Company's winery facilities in Gonzales. The facilities are located on the northeast side of SPT's mainline track southeasterly of the downtown area of Gonzales.

Applicant states that Gonzales Company, Inc., operator of the warehouse facility, has an immediate need for rail service. It is therefore requested that the usual 30-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 May 8, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial spur track at grade across Alta Street in Gonzales, Monterey County.
2. The proposed spur track crossing is required to provide rail service to the facilities of Monterey Vineyards.
3. Public convenience and necessity require construction of the proposed spur track crossing.
4. Public safety requires that protection at the crossing be two Standard No. 9-A automatic gate-type signals with cantilevers (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 City of Gonzales is the lead agency for this project under CEQA, as amended.
7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
8. The project will have no significant impact on the environment.

Conclusions of Law

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

2. The usual 30-day effective date on an order should be waived as the industry to be served has an immediate need for rail service.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across Alta Street in Gonzales, Monterey County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing E-136.0-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-A automatic gate-type signals with cantilevers (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 flagman. The flagman shall place a minimum of two fusees 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 30 days after installation of the crossing.

Suitable signs shall be installed on both sides of Alta Street, calling the attention of trainmen to the flagging instructions. The flagging instructions 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 applicant.

8. Maintenance of the crossing shall conform to General Order 72-3. Maintenance cost of the automatic protection shall be borne by applicant.

9. Within 30 days after completion, under this order, applicant shall 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.

This order is effective today.

Dated SEP 1 1981, at San Francisco, California.

John E. Bryan President  
Richard D. Gualle  
Thomas W. Pennington  
Victor Calvo  
Francis C. Green Commissioners