

Decision 96-02-017 February 7, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison, Topeka)
and Santa Fe Railway Company, a)
corporation and Lone Star Gas Liquids)
Processing, Inc., a corporation, for)
authority to construct, maintain and)
operate a spur track across Santa Fe)
Way in the County of Kern, State of)
California.)

Application 95-12-034
(Filed December 8, 1995)

ORIGINAL

Application of The Atchison, Topeka)
and Santa Fe Railway Company, a)
corporation, and Lone Star Gas Liquids)
Processing, Inc., a corporation, for)
authority to construct, maintain and)
operate a spur track across Cherry)
Avenue in the County of Kern.)

Application 95-12-035
(Filed December 8, 1995)

Application of The Atchison, Topeka)
and Santa Fe Railway Company, a)
corporation, and Lone Star Gas Liquids)
Processing, Inc., a corporation, for)
authority to construct, maintain and)
operate a spur track across State)
Highway in the County of Kern, State)
of California.)

Application 95-12-037
(Filed December 8, 1995)

O P I N I O N

As part of the project to provide rail service to serve an industry, known as Lone Star Gas Liquids Processing, Inc., The Atchison, Topeka and Santa Fe Railway Company (AT&SF) requests authority to construct an industrial lead track at grade across Santa Fe Way, Cherry Avenue and Enos Lane (State Route (SR) 43) near Shafter in Kern County.

The industry, located westerly of AT&SF's Main Line track, is currently utilizing trucks for their business. Upon the installation of the industrial lead track and its opening to train

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operations, truck traffic from the industry will diminish thereby benefiting the public.

AT&SF filed Application (A.) 95-12-034, A. 95-12-035 and A. 95-12-037 to construct at-grade crossings at Santa Fe Way, Cherry Avenue, and Enos Lane (SR-43), respectively. Since the proposed at-grade crossings are in the same vicinity, are located on the same industrial lead track and are part of the same project, the three applications involve related questions of fact and will be consolidated, pursuant to Rule 55 of the Commission's Rules of Practice and Procedure; therefore one Commission order authorizing construction of the at-grade crossings at the above referenced roadways will be prepared.

County is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation of an Initial Study, the County issued a Negative Declaration which found that the project will not have a significant effect on the environment. The finding was adopted and approved by the Kern County Board of Supervisors on October 30, 1995.

The Commission is a responsible agency for this project under CEQA, and has independently reviewed and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission's Safety and Enforcement Division staff - Traffic Engineering Section. The staff examined the need for and the safety of the proposed grade crossings and recommends that approval be granted.

AT&SF has met the filing requirements of the Commission's Rules of Practice and Procedure including Rule 40, which relates to the construction of a railroad track across a public highway. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

AT&SF advised the Commission that Lone Star Gas Liquids Processing, Inc., desires to start construction of the industrial lead track as soon as possible in order to start shipments of their product on April 1, 1996. It is therefore requested that the usual 30-day effective date of an order be waived. We will make our order effective immediately.

Findings of Fact

1. Notice of the Applications was published in the Commission's Daily Calendar on December 15, 1995. No protests have been received. A public hearing is not necessary.

2. AT&SF requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial lead track at-grade across Santa Fe Way, Cherry Avenue and Enos Lane (SR-43) in Kern County.

3. Construction of the industrial lead track is an essential element in providing rail service to the Lone Star Gas Liquids Processing, Inc., industry.

4. Public convenience and necessity require construction of the industrial lead track and grade crossings.

5. Public safety requires that protection at both Santa Fe Way crossing and Enos Lane (SR-43) crossing be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms (General Order (GO) 75-C) and that protection at Cherry Avenue crossing be two Standard No. 9 automatic gate-type signals (GO 75-C).

6. County is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

Conclusions of Law

1. The applications, which involve related questions of fact, should be consolidated for purposes of issuing one decision.

2. The Applications should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as AT&SF wishes to commence construction of the proposed at-grade crossings at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company (AT&SF) is authorized to construct an industrial lead track at grade across Santa Fe Way, Cherry Avenue and Enos Lane (State Route (SR) 43) near Shafter in Kern County, at the location and substantially as shown by the plans attached to the application and Appendix A of this order, to be identified as Crossing 2-902.2-C (Santa Fe Way), Crossing 2-903.0-C (Cherry Avenue), and Crossing 2-904.8-C (Enos Lane - SR-43).

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

3. Protection at both the Santa Fe Way crossing and Enos Lane (SR-43) crossing shall be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms (GO 75-C). Protection at the Cherry Avenue crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).

4. Construction expense of the crossings and installation of the automatic protection shall be borne by AT&SF.

5. Maintenance cost of the automatic protection shall also be borne by AT&SF.

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6. Construction of the crossings shall be in accordance with GO 72-B. Maintenance of the crossing surfaces shall also be in accordance with GO 72-B.

7. Construction plans of the crossings, approved by County, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Safety and Enforcement Division prior to commencing construction.

8. Within 30 days after completion of the work under this order, AT&SF shall notify the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. Consolidated Applications (A.) 95-12-034, A. 95-12-035, and A. 95-12-037 are granted as set forth above.

This order becomes effective today.

Dated FEB 7, 1996 at San Francisco, California.

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

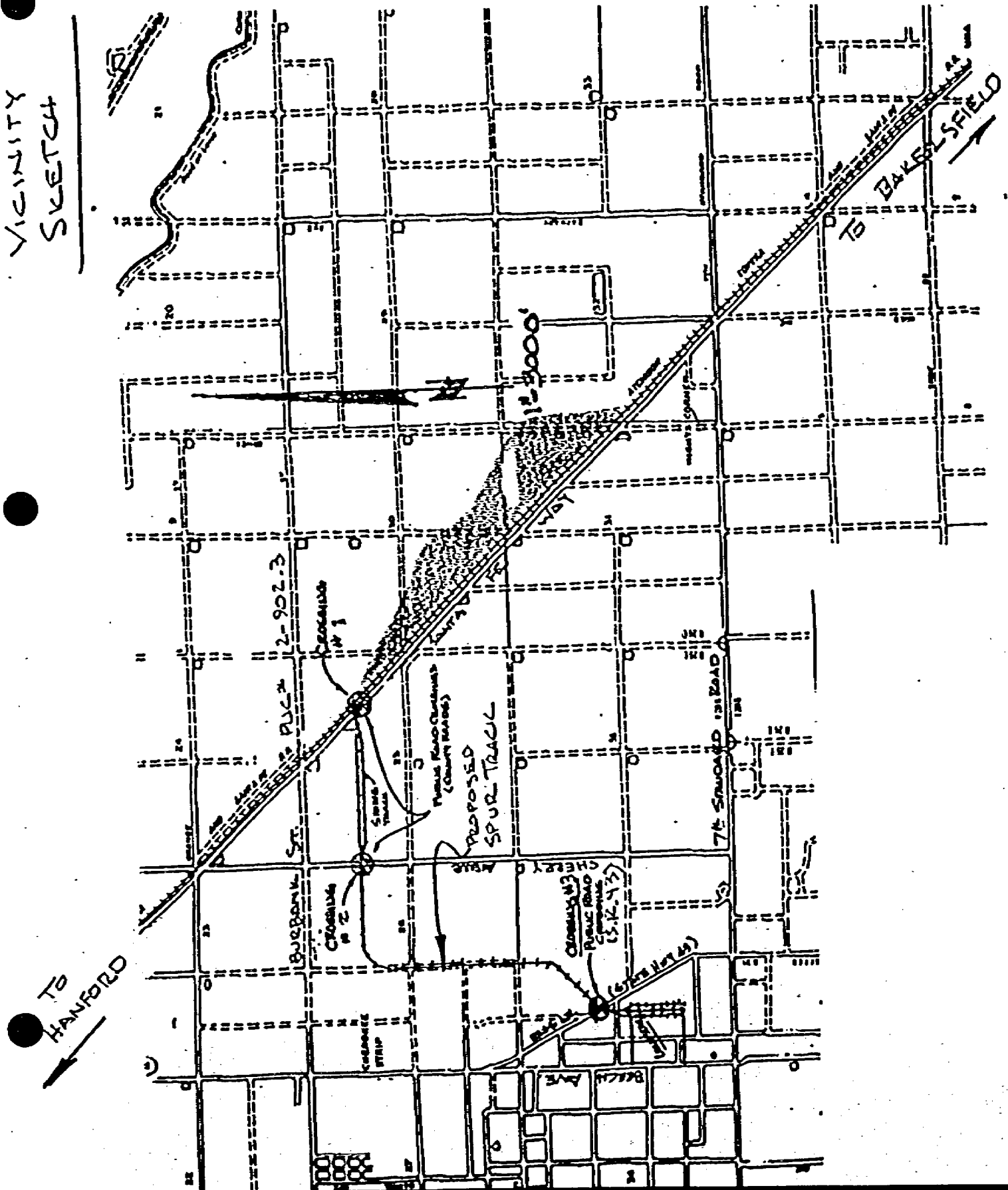
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

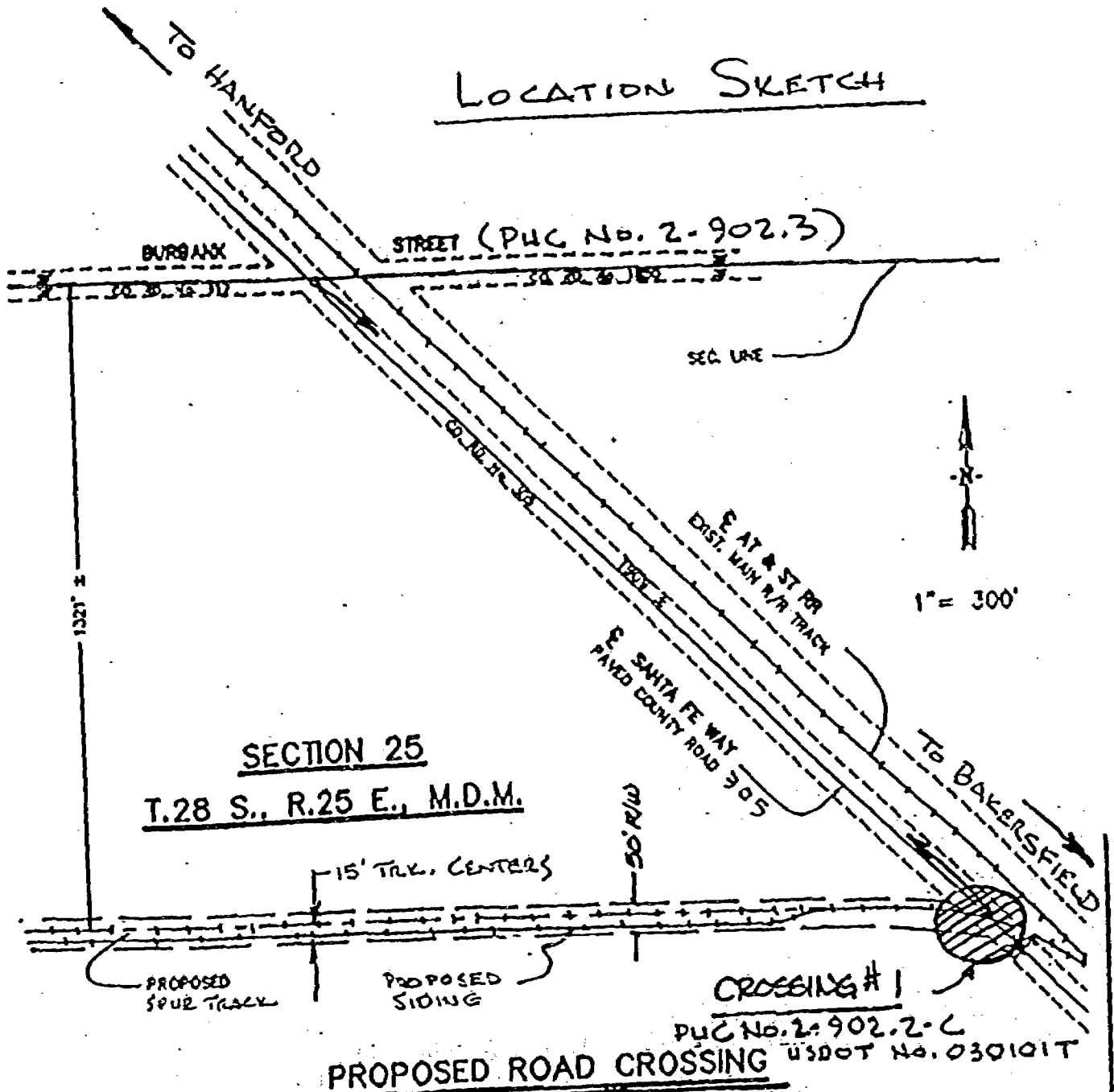
JOSIAH L. NEEPER

Commissioners

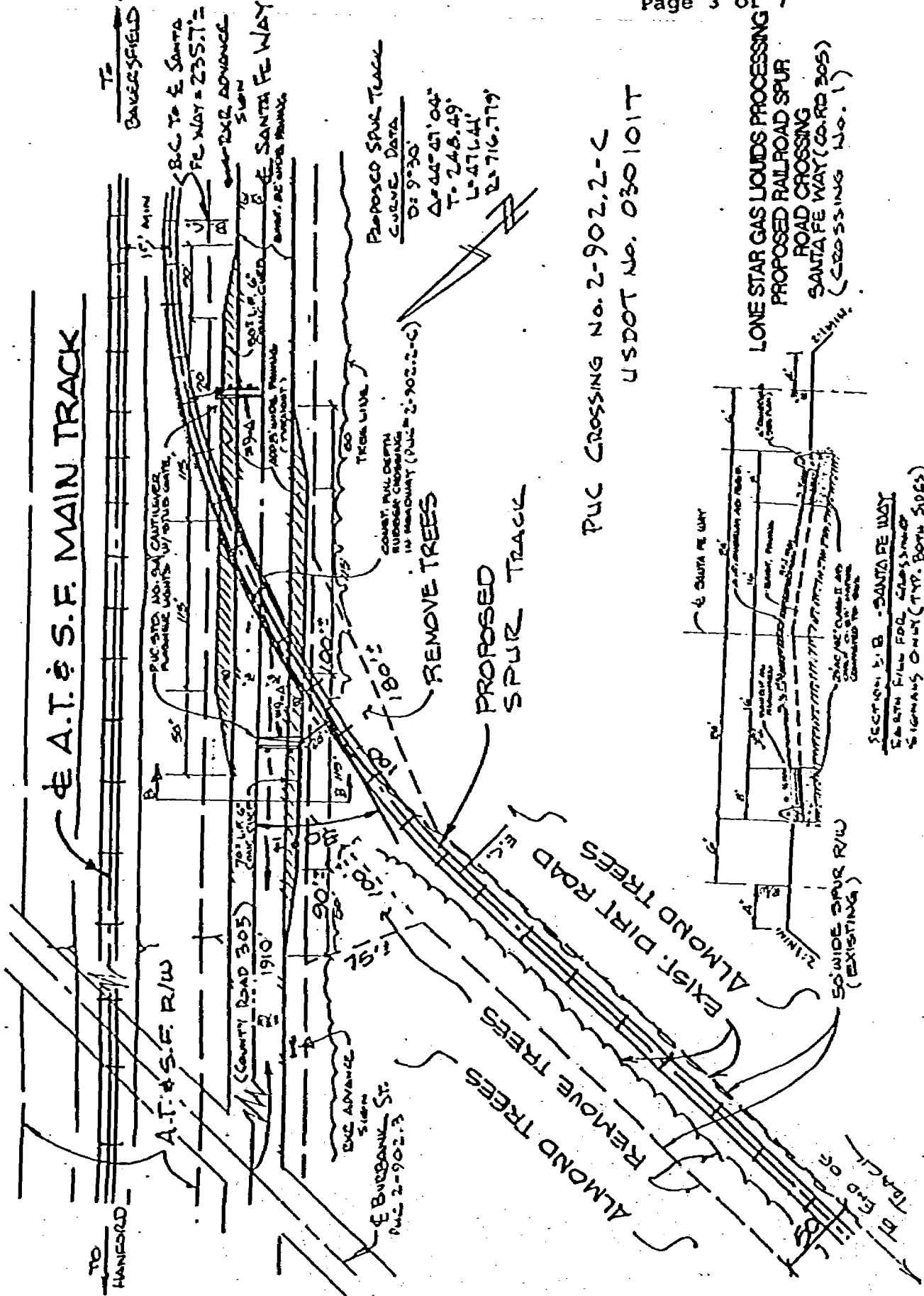
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SKETCH



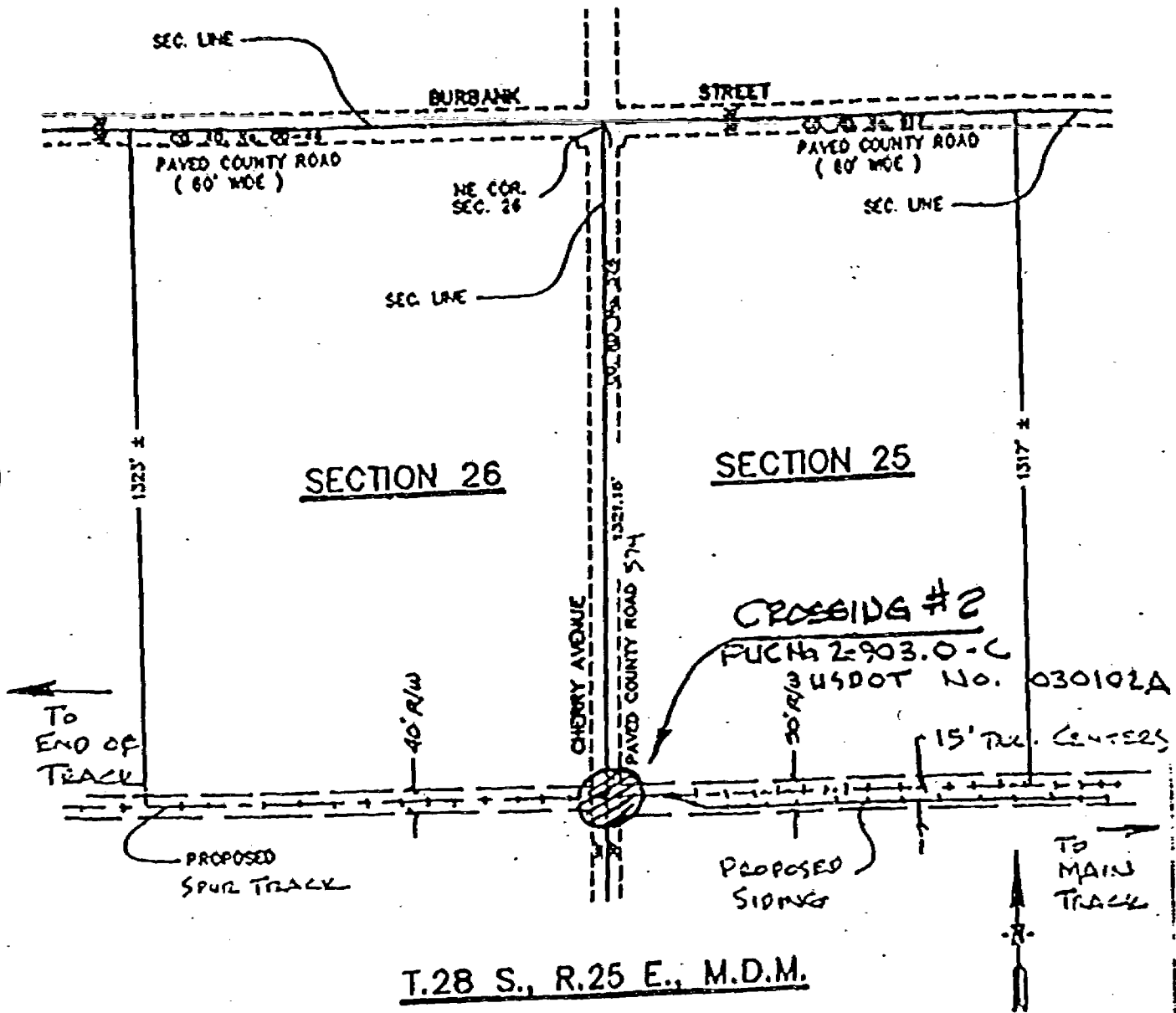
LOCATION SKETCH



PROPOSED ROAD CROSSING
RAILROAD SPUR XING @ SANTA FE WAY
(CROSSING #1)



LOCATION SKETCH

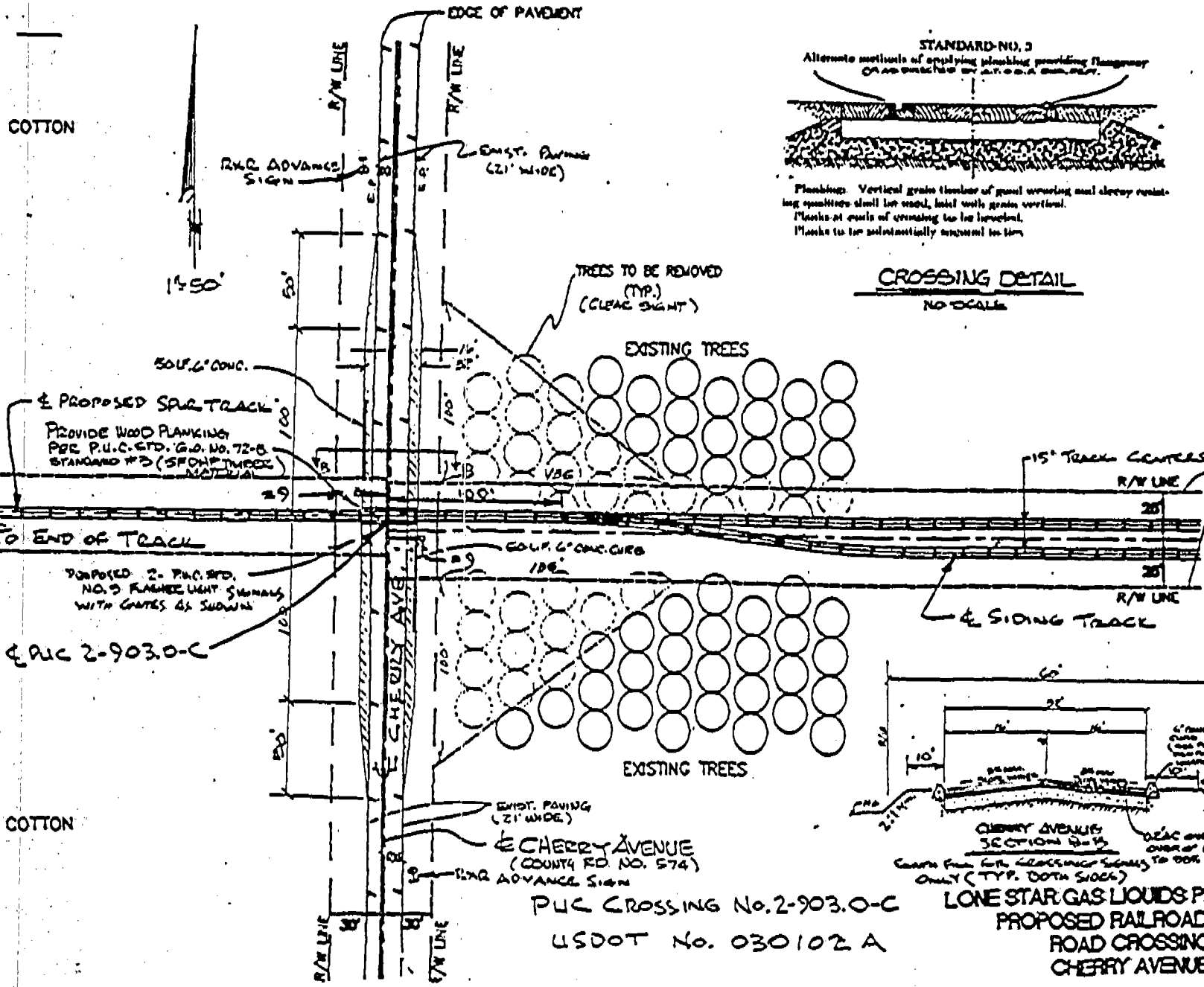


PROPOSED ROAD CROSSING
RAILROAD SPUR XING CHERRY AVENUE
 (CROSSING #2)
EXHIBIT "B"

1" = 300'

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Appendix A
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STANDARD NO. 3
Alternate methods of applying planking providing flangeway
as described in A.R.T.C. Standard.

Flanking: Vertical grain timbers of good wearing and decay resisting qualities shall be used, laid with grain vertical.
Planks at ends of crossing to be levelled.
Planks to be substantially square to ties.

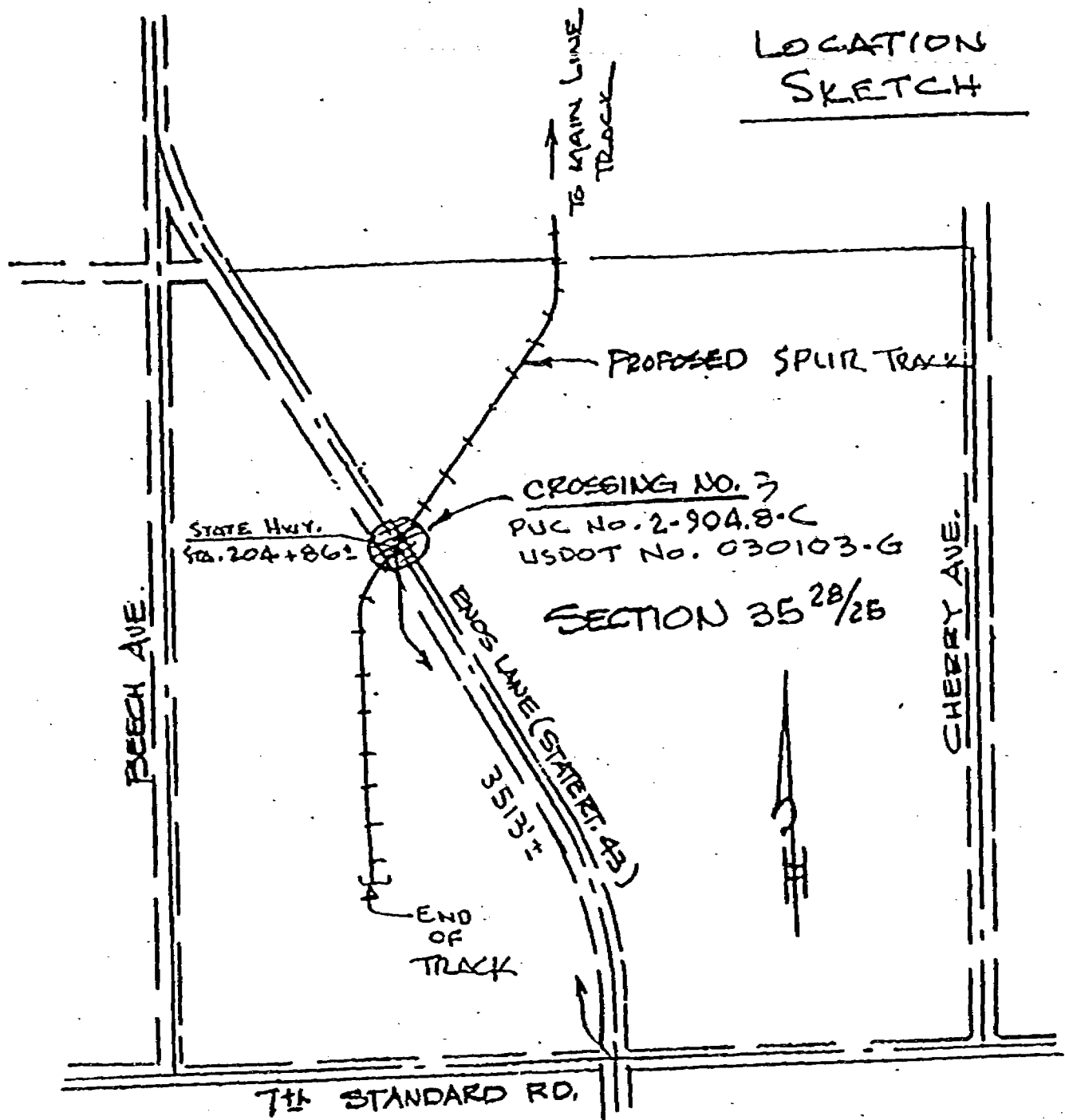
CROSSING DETAIL
NO SCALE

COTTON

COTTON

PLC CROSSING No. 2-903.0-C
USDOT No. 030102A

LONE STAR GAS LIQUIDS PROCESSING
PROPOSED RAILROAD SPUR
ROAD CROSSING (CROSSING No. 2)
CHERRY AVENUE



LOCATION SKETCH

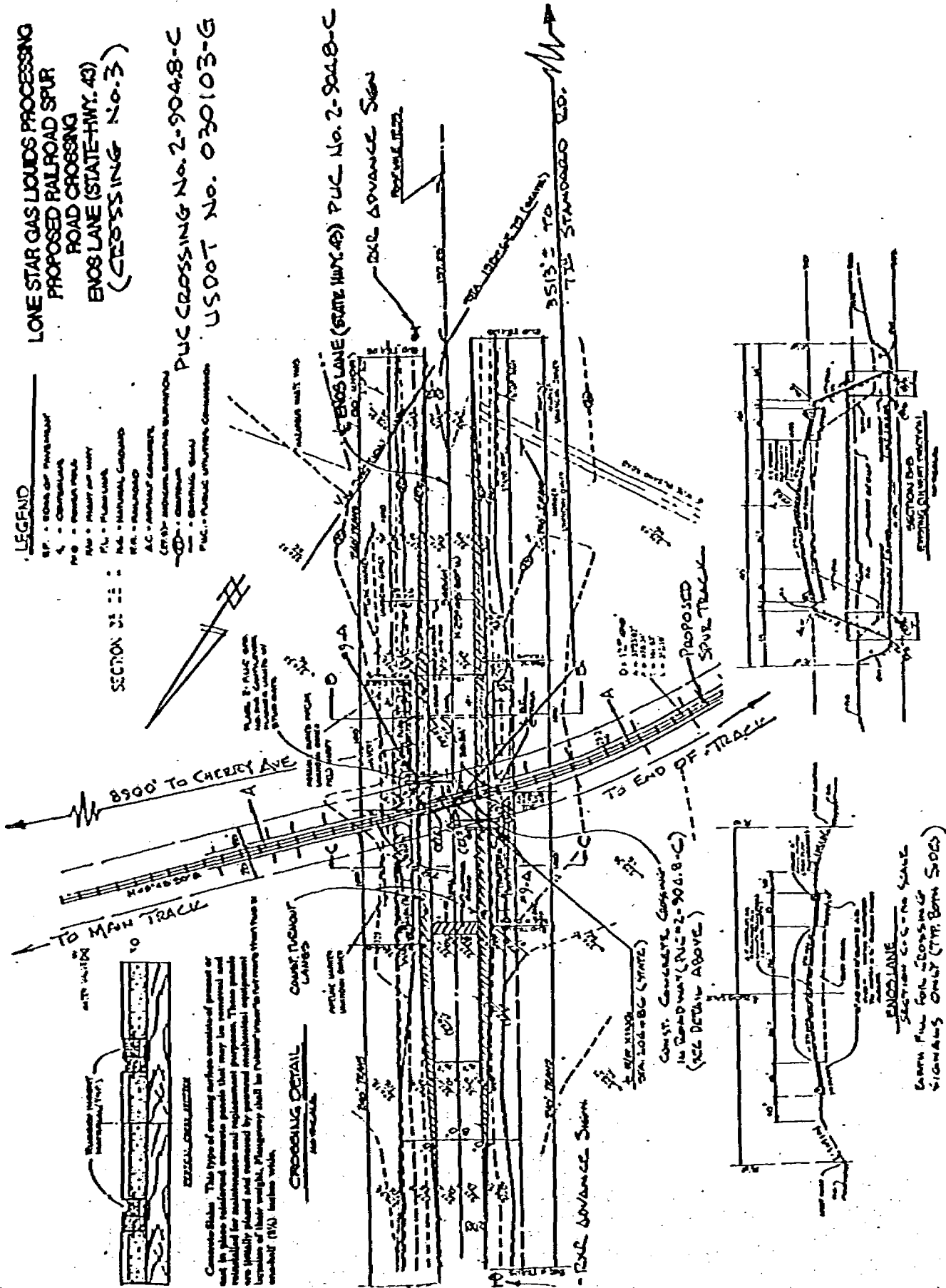
PROPOSED ROAD CROSSING
RAILROAD SPUR VIA @ STATE HWY. 43

EXHIBIT "B"

LONE STAR GAS LIQUIDS PROCESSING
PROPOSED RAILROAD SPUR
ROAD CROSSING
EVOS LANE (STATE HWY. 43)
(CROSSING No. 3)

PUC CROSSING No. 2-9048-C
USDOT No. 030103-G

- LEGEND**
- SP - SOLE OF PAVEMENT
 - C - CURBLINE
 - PA - PAVEMENT AREA
 - PL - PAVEMENT LANE
 - PE - PAVEMENT EDGE
 - AC - ASPHALT CONCRETE
 - (CR) - CRACK
 - (S) - SURFACE
 - (D) - DRAINAGE
 - (E) - ELEVATION
 - (P) - PUBLIC UTILITY CONDUIT



CROSSING DETAIL
CONCRETE SLAB
This type of crossing surface consists of precast or cast in place reinforced concrete panels that may be precast and installed for maintenance and replacement purposes. These panels are typically placed and removed by precast mechanical equipment in order of their weight. Plyform shall be placed over the surface with a minimum 1/4" (1/4") surface width.

ENCLOSURE
SECTION C-C TO STATE
ENCLOSURE
SECTION C-C TO STATE
ENCLOSURE ONLY (TYP. BORN SODS)

CONSTR. CONCRETE CROSSING
IN ROADWAY (PUC 2-9048-C)
(SEE DETAIL ABOVE)

ENCLOSURE
SECTION C-C TO STATE
ENCLOSURE ONLY (TYP. BORN SODS)