

Decision 98-03-051 March 26, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
the Kern County Roads Department to)	
convert a private at grade crossing)	
of a Highway Crossing at the tracks)	Application 97-09-004
of the San Joaquin Valley Railroad to)	(Filed September 4, 1997
a public at grade crossing in the)	Amended November 24, 1997)
County of Kern, State of California)	
)	

O P I N I O N

County of Kern (County) requests authority to convert the existing private at-grade crossings to public at-grade crossings of Easterly Access Road for Frito-Lay (County Road No. 3780) across Union Pacific Railroad Company's (UP) Buttonwillow Branch Line track and spur tracks, formerly owned by Southern Pacific Transportation (SPT), in Kern County. San Joaquin Valley Railroad Company (SJVR) operates trains and leases the tracks.

The proposed public at-grade crossings are necessary to provide improved public access to an industrial area, consisting of a Frito-Lay facility, south of State Route (SR) 58. The spur tracks serve an industrial site within the Frito-Lay facility. The crossing will be the only public at grade crossing between Interstate (I) 5 and SR-43, a distance of approximately four miles to the east and four miles to the west. The anticipated average annual daily traffic volume is 250 and existing train traffic is two per day on the branch line and two per day on the spur lines.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000, et seq. County has determined that this project, the conversion of existing private

at-grade crossings to public at-grade crossings, is categorically exempt from the reporting requirements of CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination. The existing private at-grade crossings and adjacent areas have been inspected by the Commission's Rail Safety and Carriers Division - Traffic Engineering Staff. Staff examined the need for and the safety of the proposed public at-grade crossings and recommends that County's request be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highways across railroad tracks. A location map and details from the revised project plans are shown in Appendix A.

By letter dated October 10, 1997, Staff advised County of deficiencies in the original application and requested that County file an amended application with the Commission. On November 24, 1997, County filed an Amended Application, which incorporated the deficient items brought to County's attention by Staff. There are no other unresolved matters, and a public hearing is not necessary.

Findings of Fact

1. Notice of the application and amendment were published in the Commission's Daily Calendar on September 9, 1997, and November 26, 1997, respectively.

2. County filed an Amended Application on November 24, 1997, which incorporated the deficient items brought to County's attention by Staff. There are no other unresolved matters, and a public hearing is not necessary.

3. County requests authority under PU Code Sections 1201-1205 to convert the existing private at-grade crossings to public at-grade crossings of County Road No. 3780 across UP's Buttonwillow Branch Line track and spur tracks, formerly owned by

SPT, in Kern County. SJVR operates trains and leases the tracks.

4. The proposed public at-grade crossings are necessary to provide improved public access to an industrial area, consisting of a Frito-Lay facility, south of SR-58.

5. Public convenience and necessity require converting the existing private at-grade crossings to public at-grade crossings of County Road No. 3780.

6. Public safety requires that the at-grade crossing of the branch line track be protected by one Standard No. 9 automatic gate-type signal (General Order (GO) 75-C) for southbound vehicular traffic on County Road No. 3780 with additional flashing lights facing westbound and eastbound vehicular traffic on SR-58 and one Standard No. 8 flashing light signal (GO 75-C) for northbound vehicular traffic on County Road No. 3780 and that the at-grade crossing of the spur tracks be protected by one Standard No. 9 automatic gate-type signal (GO 75-C) for northbound vehicular traffic on County Road No. 3780 and one Standard No. 8 flashing light signal (GO 75-C) for southbound vehicular traffic on County Road No. 3780.

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

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

Conclusions of Law

1. Under Public Resources Code Section 21080.13 the activity is exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

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

O R D E R

IT IS ORDERED that:

1. County of Kern (County) is authorized to convert existing private at-grade crossings to public at-grade crossings of Easterly Access Road for Frito-Lay (County Road No. 3780) across Union Pacific Railroad Company's (UP) Buttonwillow Branch Line track and spur tracks, formerly owned by Southern Pacific Transportation Company (SPT), in Kern County, at the location and substantially as shown by revised plans attached to the application, to be identified as Crossings BT-337.20 (Branch Line track) and BT-337.20-C (spur tracks). San Joaquin Valley Railroad Company (SJVR) operates trains and leases the tracks.
2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.
3. Construction of the at-grade crossings of the Branch Line track and spur tracks shall be equal or superior to Standard Numbers 6 and 8, respectively, of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.
4. Protection at the at-grade crossing of the branch line track shall be one Standard No. 9 automatic gate-type signal (GO 75-C) for southbound vehicular traffic on County Road No. 3780 with additional flashing lights facing westbound and eastbound vehicular traffic on State Route (SR) 58 and one Standard No. 8 flashing light signal (GO 75-C) for northbound vehicular traffic on County Road No. 3780. Protection at the at-grade crossing of the spur tracks shall be one Standard No. 9 automatic gate-type signal (GO 75-C) for northbound vehicular traffic on County Road No. 3780 and one Standard No. 8 flashing light signal (GO 75-C) for southbound vehicular traffic on County Road No. 3780.
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by County.
6. Maintenance cost of the automatic protection shall be shared equally by County and SJVR.

7. Within 30 days after completion of the work under this order, County shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

8. 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.

9. The application is granted as set forth above.

Application 97-09-004 is closed.

This order becomes effective 30 days from today.

Dated MARCH 26, 1998, at San Francisco, California.

RICHARD A. BILAS

President

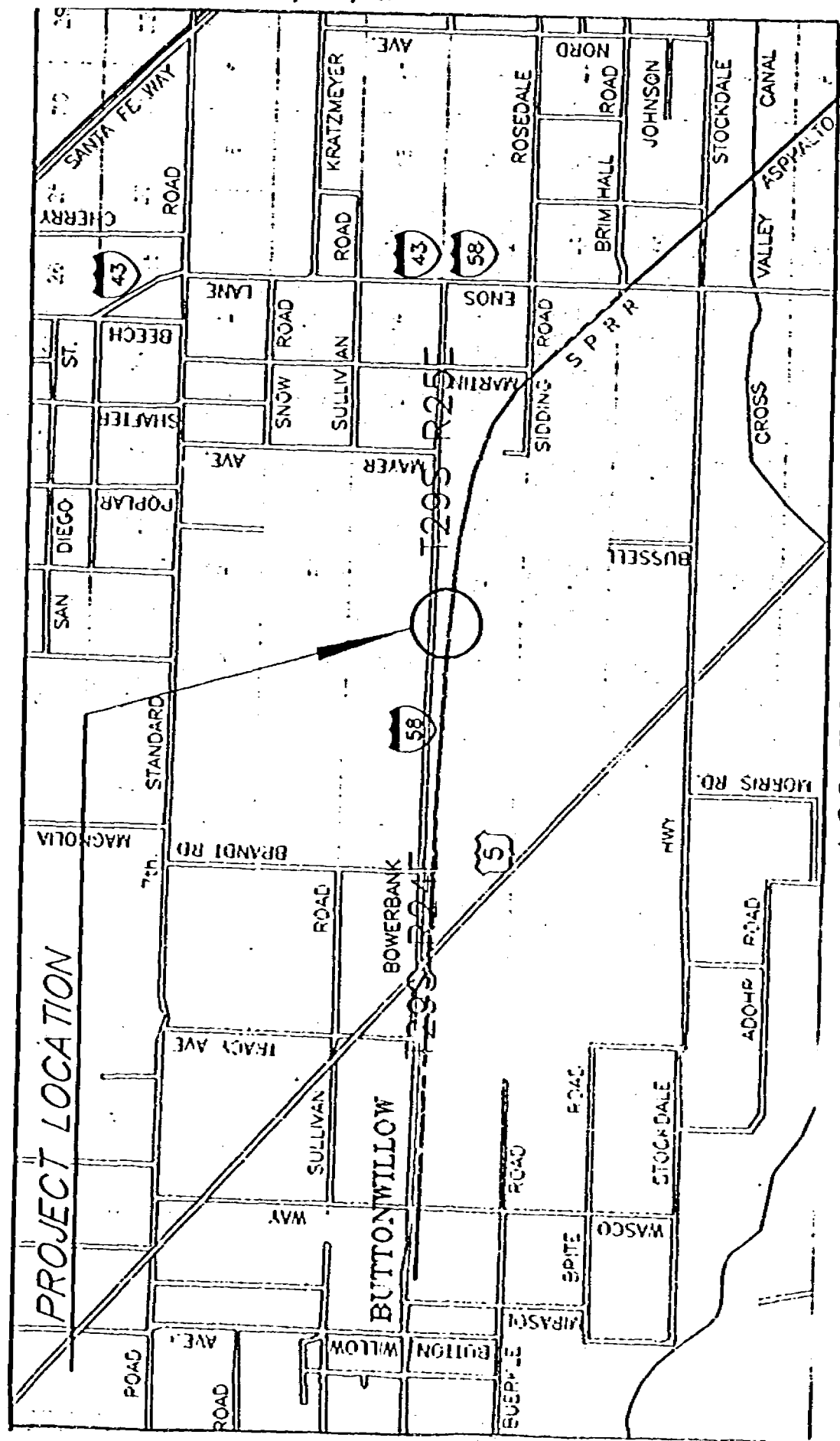
P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

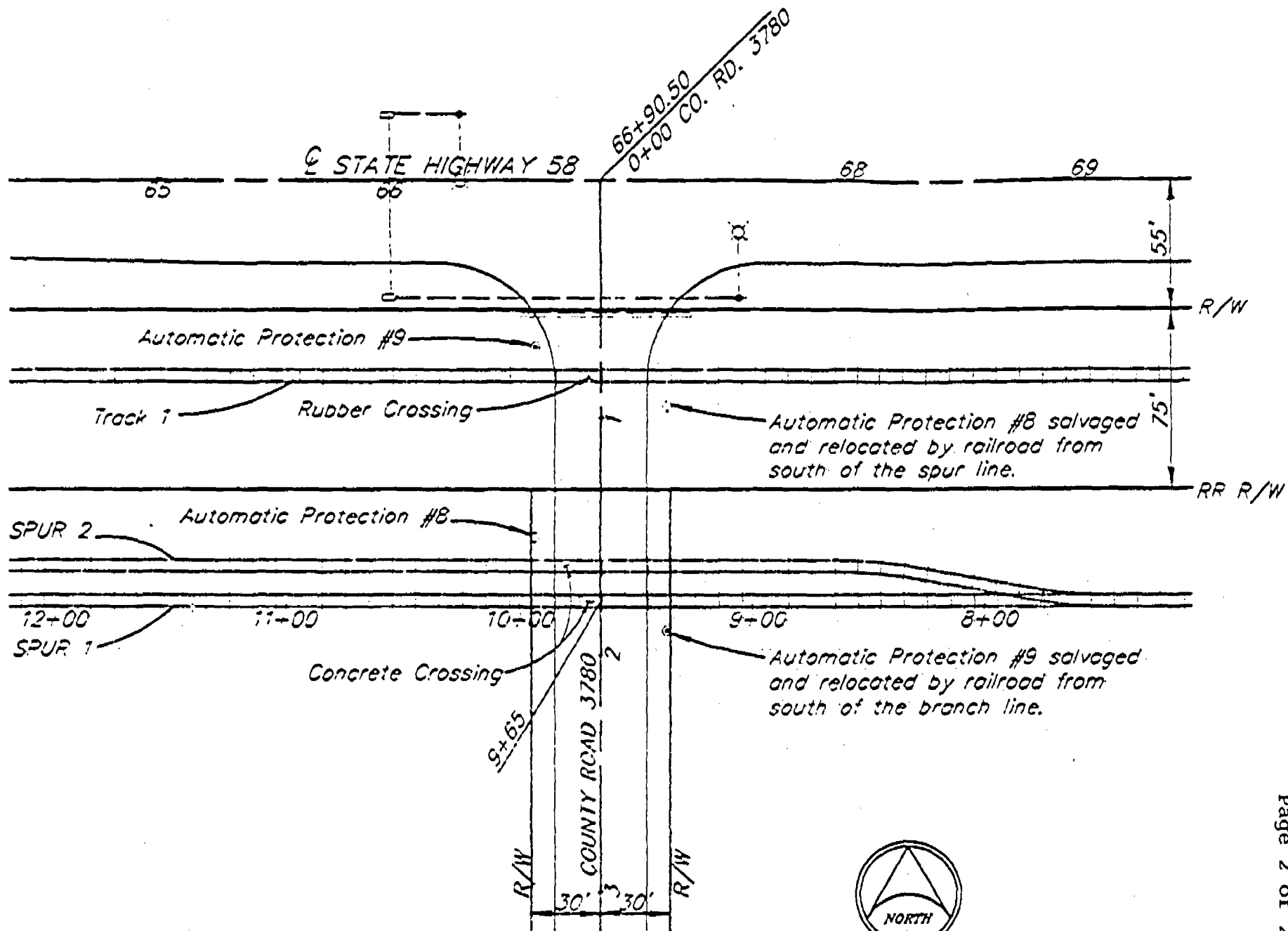
JOSIAH L. NEEPER

Commissioners



PROJECT LOCATION

LOCATION MAP



PLAN DETAIL