

Decision 01-02-065 February 22, 2001**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Lemoore for an order to install a new grade crossing on Belle Haven Drive across the Union Pacific Railroad Company's Hanford Subdivision in the County of Kings, State of California.

Application 00-11-005
(Filed November 2, 2000)

OPINION**Summary**

City of Lemoore (City) requests authority to close four existing private at-grade crossings and construct a new public at-grade crossing of Belle Haven Drive all along the Hanford Subdivision track and right of way of the Union Pacific Railroad Company (UP) in Lemoore, Kings County.

Discussion

In connection with the planned construction of a major food processing plant, and to provide adequate vehicular traffic circulation for employees and customers of the plant, City plans to extend Belle Haven Drive across the track of the UP's Hanford Subdivision Line. The San Joaquin Valley Railroad Company (SJVR) operates freight trains on this line.

As the city limits have moved over one mile westward over three years ago, there will be many benefits to extending Belle Haven Drive across the railroad track. Leprino Foods will open a \$150 million cheese processing plant just north of the railroad tracks. This plant will employ in excess of 300 people, providing the necessary job growth in an area with double-digit unemployment. This new plant is located in a new industrial area that requires adequate traffic circulation and flow. Additionally, West Hills College is constructing a 100-acre

college campus just south of the railroad track. The Belle Haven Drive will enable better access to the new college campus.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation of the Environmental Impact Report in 1997, City on July 22, 1997 filed a Notice of Determination with the Kings County Government Center Clerk Office, which found “that the adverse environmental impacts related to Surface Water Quality, Air Quality and Agriculture are potentially significant and cannot be entirely mitigated or avoided.” Mitigation measures were made a condition of project approval.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Environmental Impact Report and Notice of Determination. The sites of the project has been inspected by the Commission's Rail Safety and Carrier Division – Rail Crossings Engineering Section staff. Staff examined the need for and the safety of the proposed grade crossing and related railroad construction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public road, highway, or street across a railroad. A site map of the grade crossing is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3051, dated November 21, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission’s Rail Safety and Carriers Division recommends that this application be granted. Given these

developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3051.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on November 7, 2000. No protests have been received. A public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205 to (1) construct Belle Haven Drive crossing, and (2) close four existing private crossings, all along the Union Pacific Railroad Company's (UP) Hanford Subdivision track, located in the City of Lemoore, Kings County. The San Joaquin Valley Railroad Company (SJVR) operates freight trains on this track.

3. The Belle Haven Drive crossing will serve public need by providing a safe access route across UP railroad track to the new industrial area.

4. Public convenience and necessity require the construction of Belle Haven Drive Crossing.

5. Public safety requires that the Belle Haven Drive crossing be protected by two Standard No. 9-A automatic flashing light signals with gates, one south of the track (southeast corner) and one on the north side (northwest corner), and two Standard No. 9 automatic flashing light signals with gates (General Order (G. O.) 75-C) on raised island medians.

6. Public safety also requires the closure of four existing private at-grade crossing at railroad mileposts 262.30, 262.60, 263.20, and 263.80.

7. City 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 Environmental Impact Report and Notice of

Determination. None of the adverse environmental impacts can be attributed to the crossing itself.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. City of Lemoore (City) is authorized to (1) construct Belle Haven Drive crossing, identified as Crossing No. 103BD-262.30, and (2) remove the existing private crossings at railroad mileposts 262.30, 262.60, 263.20, and 263, all along the Union Pacific Railroad Company's (UP) Hanford Subdivision track, located in the City of Lemoore, Kings County, as more fully indicated by plans and text attached to the application.

2. Clearances shall be in accordance with General Order (G.O.) 26-D.

Walkways shall conform to G.O. 118.

3. Protection at the Belle Haven Drive crossing shall be two Standard No. 9-A automatic flashing light signals with gates, one south of the track (southeast corner) and one on the north side (northwest corner), and two Standard No. 9 automatic flashing light signals with gates (General Order (G. O.) 75-C) on raised island medians.

4. Prior to opening of the Belle Haven Drive crossing, the existing private crossings at railroad mileposts 262.30, 262.60, 263.20, and 263 along the Hanford Subdivision Line track shall be permanently closed, vacated, and physically removed.

5. Construction and maintenance of the crossings shall be in accordance with the provisions of G.O. 72-B. Construction and maintenance costs shall be borne by applicant in accordance with Section 1202.2 of the Public Utilities Code.

6. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work was completed.

7. 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. The application is granted as set forth above.

Application 00-11-005 is closed.

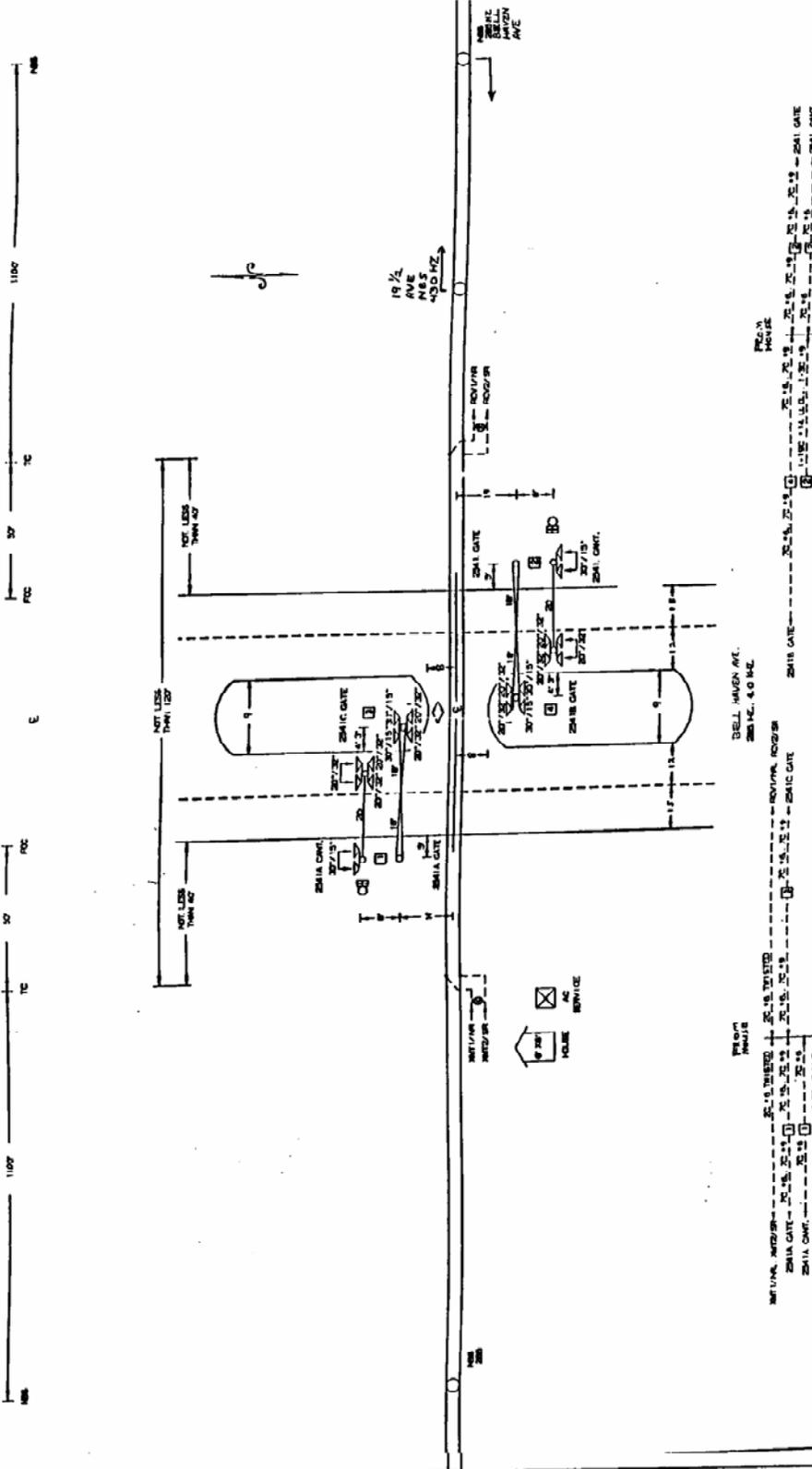
This order is effective 30 days from today.

Dated February 22, 2001, at San Francisco, California

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners

COPY

PLAN MUST NOT BE MODIFIED WITHOUT APPROVAL OF SIGNAL ENGINEER.



- NOTES:
1. SIGNAL LOCATIONS LOCATED 30' FROM RAILWAY, 20' FROM TRACK CENTERLINE, UNLESS NOTED TO THE CONTRARY.
 2. PFC - FACE OF CURB
 3. TO - TRACK CONNECTION
 4. W - WAREHOUSE BANG BUILT
 5. H - HILL
 6. T - TRUCK AT LEAST TWO TURNS FROM FRONT
 7. C - CENTER LINE

Date	By	Revised
03-09-00	ABC/SMB	
07/14/00	ABC/SMB	
07/14/00	ABC/SMB	
07/14/00	ABC/SMB	

ABC/SMB JOB NO:

BELL HAVEN AVE.
SIGNAL LOCATION PLAN
HIGHWAY-RAILROAD GRADE CROSSING WARNING SYSTEM
CITY OF LEMOORE, COUNTY OF KINGS, STATE OF CALIFORNIA

SAN JOAQUIN VALLEY RAILROAD

24 1/2 BLOCKS

125 SOUTH HIG. 99 AND ROAD
MERCED, CA 95353-0795
A DIVISION OF THE BNSF PROJECTS GROUP

P. O. BOX 937
DREYER CA. 93221