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Decision No. 77720

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, maintenance, use, and protection of closing of crossings at grade of the tracks of The Western Pacific Railroad Company and Southern Pacific Company in Cities of Oakland, San Leandro, and Hayward and County of Alameda.

Case No. 8367  
(Application for Extension of Time  
Filed July 20, 1970.)

ORDER GRANTING EXTENSION OF TIME TO COMPLETE  
CROSSING PROJECT COVERED BY DECISION NO. 77343 HEREIN.

An application for extension of time to January 1, 1971, for the completion of the ordered crossing protection at Crossing No. 4-10.4, 44th Avenue, Oakland, and its subsequent reopening to northbound traffic was filed by applicant The Western Pacific Railroad Company.

Said request for extension of the reopening date of the crossing is stated in the application for extension of time to be based upon the following factors:

1. As stated by a letter dated July 6, 1970, from Mr. Arnold A. Johnson, Traffic Engineer and Director of Parking of the City of Oakland, to Mr. A. W. Carlson, Chief Engineer of The Western Pacific Railroad Company (a copy of which is attached to the application for extension of time and marked Exhibit A), the City of Oakland desires an extension until January 1, 1971, to complete its portion of the crossing protection installation;
2. The crossing protection ordered installed will require special engineering and coordinated planning with the City of Oakland;

3. The installation will require circuit changes in apparatus at adjacent crossings which are not carried in stock and must be specially ordered;

4. The time lag between ordering and delivery of the specialty parts required for this and the adjacent installations plus the period of actual construction makes completion of the project prior to January 1, 1971, highly unrealistic.

By letter dated July 23, 1970, from Robert S. Rutledge, of Janvier & Rutledge, attorneys for petitioner Standard Specialty Co., to the Public Utilities Commission, which letter is made a part of the formal file herein, a request was made that the time for completion of the protection at Crossing No. 4-10.4 be extended no longer than October 1, 1970. In support of such request, this letter calls attention of the Commission to the dangerous condition which exists by reason of the street being inaccessible to fire equipment and ambulances, and by reason of a hazardous traffic condition existing with the 44th Avenue crossing closed.

On August 13, 1970, K. G. Soderlund, staff Associate Transportation Engineer, prepared a memorandum which is also made a part of the formal file herein. In this memorandum the staff engineer states he has been informed that the necessary materials were ordered by the railroad on July 31, 1970, and that the expected arrival date of the material is September 15, 1970. The railroad expects that it will take approximately six weeks to install the equipment. He also states that the material for the "No Right Turn" and "No Left Turn" signals which the City of Oakland is to install is expected to arrive about October 15, 1970, and will take approximately six weeks to install.

Good cause appearing,

IT IS ORDERED that paragraph No. 1 of the Order in Decision No. 77343 herein is revised to read:

1. On or before December 15, 1970, Grade Crossing No. 4-10.4 of The Western Pacific Railroad Company shall be reopened for one-way vehicular traffic northbound on 44th Avenue between San Leandro Street and East 12th Street in the City of Oakland.

The effective date of this order shall be ten days after the date hereof.

Dated at Los Angeles, California, this 15<sup>th</sup> day of SEPTEMBER, 1970.

J. Robinson  
Chairman

William J. ...

Verna L. Sturgeon  
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.