

Decision No. 80018

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use and protection or closing of the crossings at grade of Railroad Avenue with tracks of Southern Pacific Transportation Company, Crossing No. B-48.9, and The Atchison, Topeka and Santa Fe Railway Company, Crossing No. 2-1155.7, in the City of Pittsburg.

Case No. 9199

Neal W. McCrory and Richard L. Rosett, Attorneys at Law, for The Atchison, Topeka and Santa Fe Railway Company; Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Company; and Roger Golla and Alfred A. Affinito, City Attorneys, for City of Pittsburg; respondents.
William David Figg-Hoblyn, Attorney at Law, for the Commission staff.

ORDER MODIFYING DECISION NO. 79854

It appearing that ordering paragraphs 1 and 2 of Decision No. 79854 herein might be interpreted other than as intended by the Commission, and

It further appearing that the utilities affected have orally moved for such modification in hearing herein on April 4, 1972 in the presence of all other parties hereto, and that no protests were made to such motions, and

It further appearing that the parties have introduced significant additional evidence on the subject matter of ordering paragraph 5 of Decision No. 79854 which warrants further consideration, and, therefore,

It is hereby found that the crossing protection described in Exhibit 43 herein complies with the intent of ordering paragraph 1 of Decision No. 79854 and of ordering paragraph 1 of this order.

It is hereby concluded that ordering paragraphs 1 and 2 of Decision No. 79854 should be modified as set forth below, and that ordering paragraph 5 should be stayed, and that such action will satisfy the contentions raised by Southern Pacific Transportation Company and The Atchison, Topeka and Santa Fe Railway Company in their respective petitions for rehearing and/or modification filed herein.

IT IS HEREBY ORDERED that:

1. Ordering paragraph 1 of Decision No. 79854 is hereby modified to read:

"1. Southern Pacific Transportation Company (Southern Pacific) shall modify the automatic protection at its Crossing No. B-48.9 to provide four automatic gate arms and Standard No. 8 signals with a control system designed in accordance with General Order No. 75-B and to minimize overactuation of signals and down time of gates."

2. Ordering paragraph 2 of Decision No. 79854 is hereby modified to read:

"2. The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) shall modify the automatic protection at its Crossing No. 2-1155.7 to provide two automatic gate arms and Standard No. 8 signals with additional flashing light signals on cantilever arms with a control system designed in accordance with General Order No. 75-B and to minimize overactuation of signals and down time of gates."

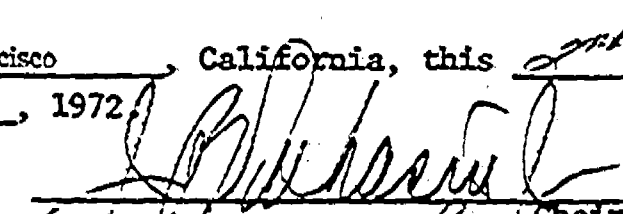
3. The effect of ordering paragraph 5 of Decision No. 79854 shall be stayed until further order of the Commission.

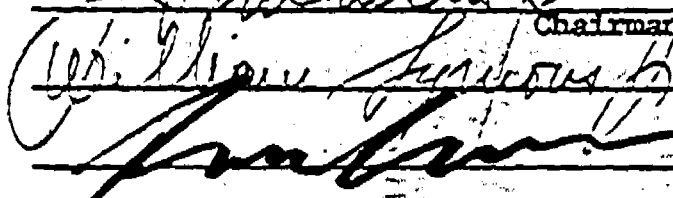
4. The petitions of Southern Pacific Transportation Company and The Atchison, Topeka and Santa Fe Railway Company for rehearing or modification of Decision No. 79854 are hereby denied.


5. In all other aspects, Decision No. 79854 shall remain in full force and effect.

The effective date of this order shall be the effective date of Decision No. 79854.

Dated at San Francisco, California, this 2nd
day of MAY, 1972



Chairman




Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.