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Decision 84 OS 098

AUG 1 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 the City of Orange to construct a
 public roadway crossing over the
 tracks of the Atchison, Topeka and
 Santa Fe Railway Company at Glassel
 Street.

Application 83-11-65
 (Filed November 28, 1983)

SUPPLEMENTAL OPINION

By Decision (D.) 84-04-093, dated April 18, 1984, the City of Orange (City) was authorized to construct Bristol Lane at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) tracks in Orange, Orange County.

City, by letter dated June 26, 1984, advises that AT&SF will not be able to complete installation of automatic protection at the crossing for up to one year and requests that Bristol Lane be opened to provide access to nine industrial buildings in a business park scheduled for completion by July 28, 1984. It is therefore requested that Bristol Lane be permitted to be opened as soon as possible with interim protection pending installation of the required automatic protection devices.

By letter dated June 28, 1984, AT&SF had indicated that it has no objection to City's request.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to open Bristol Lane at grade across AT&SF's tracks using interim protection in Orange, Orange County.

2. Modification of D.84-04-093 is required to provide immediate public access to nine individual industrial buildings which are scheduled for completion by July 28, 1984.

3. Public convenience and necessity require opening of the crossing.

4. Pending installation of the automatic protection required by D.84-04-093, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order (G.O.) 75-C) and flagging of the crossing.

Conclusions of Law

1. City's request to modify D.84-04-093 should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as Bristol Street Associates, the developer, has an immediate need to provide public access to the business park scheduled for completion by July 28, 1984.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. D.84-04-093 is modified for a period not to exceed one year from the date of this order.

2. Protection at the crossing may be two Standard No. 1-R crossing signs (G.O. 75-C). No on-rail vehicle shall operate over the crossing unless it is first brought to a stop and traffic on the street protected by a member of the crew, or other competent employee of the railroad, acting as flagman. The flagman shall place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

3. Written instructions shall be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Bristol Lane, calling the attention of trainmen to the flagging instructions. The flagging procedures shall remain in full force until the required automatic protection is installed and operative.

4. In all other respects, D.84-04-093 shall remain in full force and effect.

This order is effective today.

Dated AUG 1 1984, at San Francisco, California.

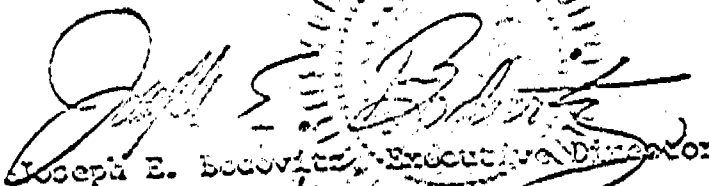
Commissioner Priscilla C. Crow,
being necessarily absent, did
not participate

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
Commissioners

Commissioner William T. Bagley
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bedovitz, Executive Director