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Decision 88 03 032 MAR 09 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
the City of Alameda to construct a)	
City street across the right-of-way)	Application 85-11-023
of the Southern Pacific Transporta-)	(Filed November 14, 1985;
tion Company at Marina Village)	Petition for Extension of
Parkway South in the City of Alameda.)	Time Filed November 6, 1987)

ORDER MODIFYING DECISION 86-06-076

By Decision (D.) 86-06-076, dated and effective June 25, 1986, in Application 85-11-023, the City of Alameda was granted authority to construct Marina Village Parkway South as a public street across Southern Pacific Transportation Company's (SPT) track in Alameda, Alameda County. Authority for the crossing expires June 25, 1988.

Ordering paragraph 11, which would have required notice to the Commission upon completion of the project, was inadvertently omitted from D.86-06-076.

Ordering paragraph 5 provided for interim flagging of the crossing pending installation of automatic warning devices. Authority for this interim flagging expired June 25, 1987.

On November 6, 1987, SPT filed a Petition for Extension of Time, which seeks to extend the time during which interim flagging of the crossing is authorized, to June 25, 1988. Notice of the petition was published in the Commission's Daily Calendar on November 16, 1987. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Ordering paragraph 11 was inadvertently omitted from D.86-06-076, which would have required notice to the Commission upon completion of the project.
2. The Commission should be notified upon completion of the project.
3. Public convenience and necessity require completion of the Marina Village Parkway South crossing.
4. Public safety requires that, pending installation of automatic warning devices, the crossing be equipped with two Standard No. 1-R crossing signs (General Order (GO) 75-C), and that all on-rail movements over the crossing be flagged.
6. Authority for flagging the crossing expired June 25, 1987.
7. SPT requests an extension of time to June 25, 1988 to complete installation of the required warning devices, and, pending installation, requests authority to meet the requirements of public safety at the crossing by use of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

Conclusions of Law

1. SPT's petition should be granted as set forth in the following order.
2. Because the authority for interim flagging lapsed on June 25, 1987, this order granting an extension of that authority should be effective immediately.

O R D E R

IT IS ORDERED that D.86-06-076 is modified as follows:

1. Ordering paragraph 11 is inserted, and reads as follows:
 11. Within 30 days after completion of the work under this order, City shall advise the Commission's Transportation Division in writing that the authorized work has been completed.
2. Ordering paragraph 5 is modified as follows:
 5. For a period which shall expire June 25, 1988, protection at the crossing may be two Standard No. 1-R crossing signs (GO 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 fusees on each side of the track prior to entry of the on-rail vehicle into the crossing.
3. In all other respects, D.86-06-076 shall remain in full force and effect.

4. The Petition for Extension of Time is granted as set forth above.

This order is effective today.

Dated MAR 09 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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

Victor Weiser
Victor Weiser, Executive Director

JB