

Decision 88 03 051

MAR 23 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
SOUTHERN PACIFIC TRANSPORTATION)
COMPANY for an order authorizing the)
construction at grade of an indus-)
trial drill track in, upon and)
across Wall Street in the City of)
Ontario, County of San Bernardino,)
State of California.)

Application 87-12-007
(Filed December 2, 1987).

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SOUTHERN PACIFIC TRANSPORTATION)
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Ontario, County of San Bernardino,)
State of California.)

Application 85-06-053
(Filed June 21, 1985)

ORDER MODIFYING DECISION 85-10-032

By Decision (D.) 85-10-032 in Application (A.) 85-06-053, the Southern Pacific Transportation Company (SPT) was authorized to construct an industrial drill track at grade across Wall Street in Ontario, San Bernardino County.

On December 2, 1987, SPT filed A.87-12-007 which seeks authority to continue flagging the crossing, currently protected by two Standard No. 1-R crossing signs, until December 1, 1988.

Paragraph No. 5 of D.85-10-032 authorized SPT to install two Standard No. 1-R crossings and flagging of the crossing by the train crew for a one year period of time pending the installation of two Standard No. 9-A automatic gate-type signals with cantilevers (General Order (GO) 75-C).

Applicant states that although the crossing has been completed, the installation of the automatic warning devices has

been deferred due to the fact there are, as yet, no industries constructed which require rail services and therefore there are no rail operations over the crossing.

By letter dated December 16, 1987, the City of Ontario advised the Commission that, "Because there are presently no industries constructed which require rail service which would use this crossing, the City has no objection to the Commission extending the deadline for constructing automatic gates until December 1, 1988."

Notice of the application was published in the Commission's Daily Calendar on December 7, 1987. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Section 1201-1205 to extend the time in which to complete the installation of automatic protection at the industrial drill track crossing of Wall Street in Ontario, San Bernardino County to December 1, 1988.

2. Modification of D.85-10-032 is required to permit the railroad to continue to use interim protection of two Standard No. 1-R crossing signs until December 1, 1988.

3. There are, as yet, no industries constructed which require rail services over this crossing.

4. There are, as yet, no rail operations over this crossing.

Conclusions of Law

1. SPT's request to modify D.85-10-032 should be granted as set forth in the following order.

2. Pending installation of the automatic protection required by D.85-10-032, the requirements of public safety at the crossing should be met by two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

O R D E R

IT IS ORDERED that D.85-10-032 is modified as follows:

1. Southern Pacific Transportation Company (SPT) is authorized to operate over Wall Street Crossing B-527.12-C until December 1, 1988 with interim crossing protection of two Standard No. 1-R crossing signs (GO 75-C) in Ontario, San Bernardino County.
2. After December 1, 1988, SPT shall operate with two Standard No. 9-A automatic gate-type signals with cantilevers (GO 75-C) or notify the Commission that the crossing has been closed to rail traffic.
3. Until December 1, 1988, 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 the entry of the on-rail vehicle into the crossing.
4. 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 Wall Street calling the attention of trainmen to the flagging instructions.
5. In all other respects, D.85-10-032 shall remain in full force and effect.

6. The application is granted as set forth above.

This order is effective today.

Dated MAR 23 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 Wenzel
Victor Wenzel, Executive Director