

ORIGINAL

Decision 89-02-046 Feb. 24, 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
the City of Hayward to construct a)	Application 86-01-044
Public City street across a Railroad)	(Filed June 29, 1986;
of the Southern Pacific Transporta-)	Petition for Modification
tion Company at Whitesell Street,)	of Decision 86-10-020
Hayward, California.)	Filed July 6, 1988)

OPINION MODIFYING DECISION 86-10-020

By Decision (D.) 86-10-020, dated October 1, 1986 and effective October 31, 1986, in Application 86-01-044, the City of Hayward (City) was granted authority to construct Whitesell Street at grade across Southern Pacific Transportation Company's (SPT) track in Hayward, Alameda County. Authority to construct the crossing expired October 31, 1988.

On July 6, 1988, City filed a Petition for Modification of D. 86-10-020, which seeks to extend the time authorized for completion of the crossing until October 1, 1990, and authority to open the crossing with interim protection consisting of two Standard No. 1-R crossing signs (General Order (GO) 75-C). City alleges that there is a delay in installing the required automatic protection, and that immediate access across the tracks is needed to provide alternate access to industrial developments for fire protection services and for improved traffic circulation.

SPT has no objection to modification of D. 86-10-020 to permit opening of the crossing with interim protection, including flagging of rail operations over the crossing.

Notice of the petition was published in the Commission's Daily Calendar on July 11, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests an extension of time to October 1, 1990, to complete installation of the required protection.
2. City also requests authority under Public Utilities Code Sections 1201-1205 to open Whitesell Street at grade across SPT's tracks using interim protection.
3. Modification of D. 86-10-020 is required to provide immediate alternate access for fire protection services and for improved traffic circulation.
4. Public convenience and necessity require completion of the Whitesell Street crossing and its opening at the earliest possible date.
5. Authority for completion of the crossing expired October 31, 1988.
6. Pending installation of automatic protection required by D. 86-10-020, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (GO 75-C) and flagging of the crossing.

Conclusions of Law

1. City's petition to modify D. 86-10-020 should be granted as set forth in the following order.
2. Because the authority granted by D. 86-10-020 lapsed on October 31, 1988, this order granting an extension of that authority should be effective today.

ORDER

IT IS ORDERED that D.86-10-020 is modified as follows:

1. Ordering paragraph 5A is inserted, and reads as follows:

5A. Until such time as the automatic protection is fully operational, 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 fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

2. Ordering paragraph 5B is inserted, and reads as follows:

5B. Written instructions shall be issued by SPT 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 Whitesell Street calling the attention of trainmen to the flagging instructions.

3. Ordering paragraph 10 is modified as follows:

10. This order shall expire October 1, 1990 if not exercised unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so requires.

4. In all other respects, D.86-10-020 shall remain in full force and effect.

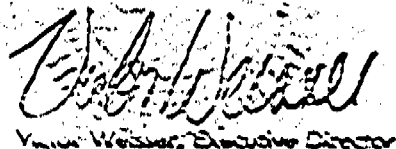
5. The Petition for Modification of Decision 86-10-020 is granted as set forth above.

This order is effective today.

Dated FEB 24 1989, at San Francisco, California.

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

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


Victor Weisner, Executive Director

T/RE/jpk

Decision 89 02 046 FEB 24 1989

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