

Decision 90 08 043 AUG 8 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Oxnard to construct)
Colonia Road, a public street,)
across the railroad tracks of the)
Southern Pacific Transportation)
Company in the City of Oxnard,)
County of Ventura.)

Application 87-08-037
(Filed August 20, 1987)

ORDER MODIFYING DECISION 88-05-053

By decision (D.) 88-05-053, dated May 25, 1988, in Application (A.) 87-08-037, City of Oxnard (City) was authorized to construct Colonia Road at grade across Southern Pacific Transportation's (SPT) industrial spur track in Oxnard, Ventura County.

City filed Petition for Modification to D.88-05-053 on May 25, 1990, requesting that D.88-05-053 be modified to permit SPT to operate over the crossing at Colonia Road with interim crossing protection of two Standard No.1-R Crossing Signs and flagging the crossing. SPT advised the City that an additional one year period of time will be required to complete the installation of the automatic crossing signals, due to delivery problems with signal suppliers.

City also requests that the authority granted by D. 88-05-053, which expired on June 25, 1990, be extended for a two year period to June 25, 1992. In addition, City has asked that the usual 30-day effective date of an order, be waived in order to provide vehicular access to Northeast Industrial Park which consists of commercial offices and light manufacturing facilities.

The Commission's Safety Division staff has inspected the project site, has reviewed the City's request and recommends that the Petition for Modification be granted.

Notice of the Petition for Modification of D.88-05-053 was published in the Commission's Daily Calendar on May 31, 1990. No protests have been recieved. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to open Colonia Road at grade across SPT's tracks using interim protection in Oxnard, Ventura County.

2. Modification of D.88-05-053 is required to open Colonia Road to local traffic.

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

4. Pending installation of the automatic protection required by D.88-05-053, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order (GO) 75-C) and flagging of the crossing.

5. A two year extension of time is required to complete the project.

Conclusions of Law

1. City's request to modify D.88-05-053 should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as the Northeast Industrial Park has an immediate need for primary emergency services as well as vehicular access to the commercial offices and light manufacturing facilities.

IT IS ORDERED that D.88-05-053 shall be modified as follows:

1. The City of Oxnard is granted an extension of time from June 25, 1990 to June 25, 1992 to exercise the authority granted by D.88-05-053.

2. 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. 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's Safety Division within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Colonia Road, 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.

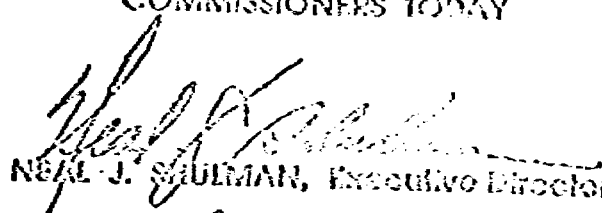
4. In all other respects, D.88-05-053 shall remain in full force and effect.

This order is effective today.

Dated AUG 8 1990, at San Francisco, California

G. MITCHELL WALK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SAULMAN, Executive Director
PB