

S/ALA

Decision 90 11 071 NOV 21 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
the City of Tulare for an order
authorizing the construction of a
Southern Pacific Transportation
Company drill track at grade over and
across Continental Avenue, approxi-
mately 513 feet easterly of "O"
Street, in said City of Tulare.

ORIGINAL

Application 89-07-016
(Petition for Modification
filed August 17, 1990)

ORDER MODIFYING DECISION 90-02-026

By Decision (D.) 90-02-026, dated February 23, 1990, in Application (A.) 89-07-016, the City of Tulare (City) was authorized to construct a Southern Pacific Transportation Company (SPT) drill track at grade across Continental Avenue in Tulare, Tulare County.

City filed a Petition for Modification to D.90-02-026 on August 17, 1990, requesting that D.90-02-026 be modified to permit SPT to operate over the crossing at Continental Avenue with interim crossing protection of two Standard No. 1-R crossing signs and flagging of the crossing. SPT advised City that it will not be able to install the required gate-type signals for approximately one year.

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

Notice of the Petition for Modification was published in the Commission's Daily Calendar on August 22, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to begin service by rail on SPT's drill track at grade across Continental Avenue using interim protection in Tulare, Tulare County.

2. Modification of D.90-02-026 is required to provide rail service to an existing industry.

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

4. Pending installation of the automatic protection required by D.90-02-026, 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.

Conclusions of Law

1. City's request to modify D.90-02-026 should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as there is an immediate need for rail service to an industrial facility.

ORDER

IT IS ORDERED that D.90-02-026 shall be modified as follows:

1. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C), and 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.

2. 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 Continental Avenue, 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.

3. In all other respects, D.90-02-026 shall remain in full force and effect.

This order is effective today.

Dated NOV 21 1990, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did not
participate.

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


NEAL J. SPITZER, Executive Director