

Decision 91-04-061 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
UNION PACIFIC RAILROAD COMPANY for an )  
Order Authorizing Construction of a )  
Spur Track at Grade Over and Across )  
Philadelphia Street near Mile Post )  
49.3, in the County of Riverside )  
and City of Ontario (San Bernardino )  
County), State of California. )

**ORIGINAL**

Application 89-03-010  
(Filed March 9, 1989  
(Amended June 25, 1990)

SUPPLEMENTAL OPINION

By Decision (D.) 89-12-011, dated December 6, 1989, the Union Pacific Railroad Company (UP) was authorized to construct an industrial spur track at grade across Philadelphia Street in the City of Ontario (San Bernardino County) and the County of Riverside.

UP filed an Amendment to Application 89-03-010 on June 25, 1990, requesting that D.89-12-011 be modified to permit UP to operate over crossing at Philadelphia Street with interim crossing protection of two Standard No. 1-R Crossing Signs and flagging the crossing. UP states that the automatic crossing signals will not be delivered from suppliers back east within a six month to one year time period.

UP has physically constructed the crossing, but the crossing has remained closed because of the railroad's inability to install the two Standard No. 8-A automatic gate-type signals (General Order (GO) 75-C). UP further states that the crossing will be protected by flagging during all train movements, until such a time as the automatic signals are installed and operable.

Vintage Industrial Park composed of light manufacturing

facilities and other commercial enterprises has a need for rail service. The Commission Safety Division staff visited the proposed crossing site and is of the opinion that because of the low volume of train and vehicular traffic, that the interim request be granted.

Findings of Fact

1. Notice of Petition of Modification was published in the Commission's Daily Calendar on July 6, 1990. No protests have been received. A public hearing is not necessary.

2. UP requests authority under Public Utilities Code Sections 1201-1205 to open an industrial spur track at grade across Philadelphia Street using interim protection in the City of Ontario (San Bernardino County) and Riverside County.

3. Modification of D.89-12-011 is required to provide immediate rail service to the partially developed industrial project in Vintage Industrial Park.

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

5. Pending installation of the automatic protection required by D.89-12-011, 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.

Conclusion of Law

UP's request to modify D.89-12-011 should be granted as set forth in the following order.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. For a period not to exceed one year from the effective date of this order 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.

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 within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Philadelphia Street 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.89-12-011 shall remain in full force and effect.

This order is effective 30 days from today.  
Dated APR 24 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President

G. MITCHELL WILK

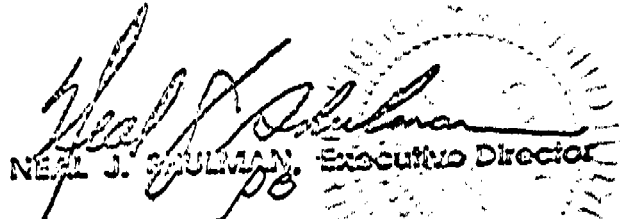
JOHN B. OHANIAN

DANIEL Wm. FESSLER

NORMAN D. SHUMWAY

Commissioners

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

  
NEAL J. SPELMAN, Executive Director

