

S/RRT/dt*

Decision 91-07-047 July 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)
Vintage Avenue near Mile Post 49.6,)
in the City of Ontario (San)
Bernardino County), State of)
California.)

ORIGINAL

Application 89-03-011
(Filed March 9, 1989
(Amended June 25, 1990)

OPINION MODIFYING D.89-11-047

By Decision (D.) 89-11-047, dated November 22, 1989, the Union Pacific Railroad Company (UP) was authorized to construct an industrial spur track at grade across Vintage Avenue in the City of Ontario, San Bernardino County.

UP filed an Amendment to Application (A.) 89-03-011 on June 25, 1990, requesting that D.89-11-047 be modified to permit UP to operate over crossing at Vintage Avenue 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 inspected the proposed crossing site and is of the opinion that, because of the low volume of train and vehicular traffic, the interim request should 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 Vintage Avenue, using interim protection, in Ontario, San Bernardino County.

3. Modification of D.89-11-047 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.89-11-047, 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.89-11-047 should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

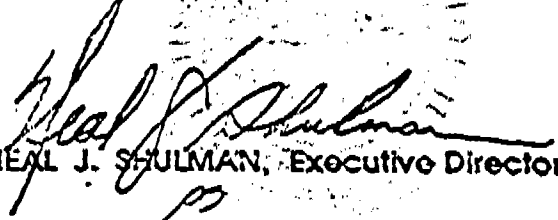
1. D.89-11-047 is modified as described below.
2. Until such time as the automatic protection is fully operative, not to exceed one year from the effective date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (GO 75-C). No on-rail vehicle shall operate over the crossing 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 fuses 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 within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Vintage 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.
4. In all other respects, D.89-11-047 shall remain in full force and effect.

A.89-03-011 S/RRT/dt

This order is effective 30 days from today.
Dated JUL 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. SHULMAN, Executive Director