

Decision 83 05 027 May 4, 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of )  
 Richmond, a Municipal Corporation, )  
 for an order authorizing an )  
 at-grade crossing of Marina )  
 Boulevard east of Marina Way )  
 South across two adjacent parallel )  
 spur tracks of the Atchison, )  
 Topeka and Santa Fe Railway )  
 Company and the Southern Pacific )  
 Transportation Company in the )  
 City of Richmond, Contra Costa )  
 County. )

Application 82-03-69  
 (Filed March 19, 1982)

SUPPLEMENTAL OPINION

By Decision 82-09-092, dated September 22, 1982, the City of Richmond (City) was authorized to construct Marina Boulevard at grade across spur tracks of Southern Pacific Transportation Company (SPT) and The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Richmond, Contra Costa County.

City by letter dated April 6, 1983 advises that SPT will not be able to complete installation of the automatic protection for up to one year and requests that Marina Boulevard be opened to provide access to 130 condominium units scheduled for completion on May 1, 1983. It is therefore requested that Marina Boulevard be permitted to be opened as soon as possible with interim protection pending installation of the required automatic protection devices.

By letters dated April 4 and April 11, 1983, SPT and AT&SF, respectively, have indicated that they have no objection to City's request.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to open Marina Boulevard at grade across spur tracks of SPT and AT&SF using interim protection in Richmond, Contra Costa County.
2. Modification of D.82-09-092 is required to provide immediate public access to 130 condominium units which are nearing completion.
3. Public convenience and necessity require opening of the crossing.
4. Pending installation of the automatic protection required by D.82-09-092, the requirements of public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of the crossing.

Conclusions of Law

1. City's request to modify D.82-09-092 should be granted as set forth in the following order.
2. This order should be effective today as City wishes to open the crossing at the earliest possible date.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Decision 82-09-092 is modified for a period not to exceed twelve months from the date of this order.

2. Protection at the crossing may be two Standard No. 1-R crossing signs (General Order 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 a 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 instruction 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 Marina Boulevard, 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.

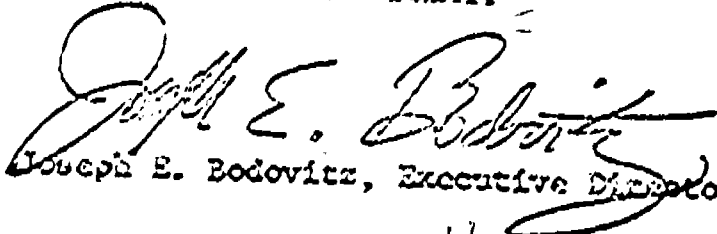
4. In all other respects, Decision 82-09-092 shall remain in full force and effect.

This order is effective today.

Dated MAY 4 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director



Decision 83 95 027 MAY 4 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Richmond, a Municipal Corporation, for an order authorizing an at-grade crossing of Marina Boulevard east of Marina Way South across two adjacent parallel spur tracks of the Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Transportation Company in the City of Richmond, Contra Costa County.

Application 82-03-69  
(Filed March 19, 1982)

SUPPLEMENTAL ORDER OPINION

By Decision 82-09-092, dated September 22, 1982, the City of Richmond (City) was authorized to construct Marina Boulevard at grade across spur tracks of Southern Pacific Transportation Company (SPT) and The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Richmond, Contra Costa County.

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