

SD

Decision No. 90743 AUG 28 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE WESTERN PACIFIC RAILROAD COMPANY for authority to construct a drill track at grade over and across Ames Avenue and Yosemite Drive within the City of Milpitas, County of Santa Clara, State of California

Application No. 57907

In the Matter of the Application of THE WESTERN PACIFIC RAILROAD COMPANY for authority to construct a spur track at grade over and across Ames Avenue and a spur track at grade over and across Yosemite Drive within the City of Milpitas, County of Santa Clara, State of California.

Application No. 58405

SUPPLEMENTAL ORDER

By Decision No. 88794, dated May 2, 1978, in Application No. 57907, The Western Pacific Railroad Company was authorized to construct a drill track at grade across Ames Avenue (Crossing 4G-13.45-C) and across Yosemite Avenue (Crossing 4G-13.71-C) in the City of Milpitas, Santa Clara County. By Decision No. 90167, dated April 10, 1979, in Application No. 58405, the railroad was further authorized to construct a spur track at grade across the two streets to become a part of the previously authorized crossings.

The railroad, by Petition dated June 22, 1979, has requested that the time limit for exercise of the authority granted by Decision No. 88794 be extended to April 10, 1980. The railroad has also requested authority to operate over the crossings for a period not to extend beyond April 10, 1980, with interim protection and with all movements over the crossings protected by a member of the train crew, as the industries to be served have requested that they be provided with rail service at the earliest possible date. In justification therefor, the railroad states that, although the tracks are in place and the crossings are otherwise complete, it has been unable to complete the installation of the required automatic protection due to delays in obtaining the necessary equipment.

By letter of July 19, 1979, the City of Milpitas has indicated that it has no objection to the railroad's request.

IT IS FURTHER ORDERED that:

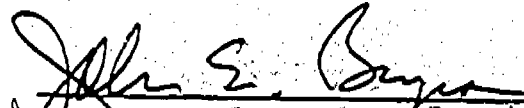
1. For a period not to extend beyond April 10, 1980, protection at each crossing may be two Standard No. 1-R crossing signs (General Order 75-C). The signs shall be lettered, both sides, on reflectorized white background. No on-rail vehicle shall operate over the crossings unless it is first brought to a stop and traffic on the roadway protected by a member of the train crew, or other competent employee of the railroad, acting as a 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.

2. Written instructions shall be issued by the railroad to trainmen, operating over the crossings, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within thirty days after installation of the crossing. Suitable signs shall be installed on both sides of Ames Avenue and Yosemite Drive, calling the attention of trainmen to the flagging instructions. Flagging procedures outlined herein shall remain in full force until the required automatic protection is installed and operative.


3. The time limit within which applicant may exercise the authority granted by Decision No. 88794 is hereby extended to April 10, 1980.

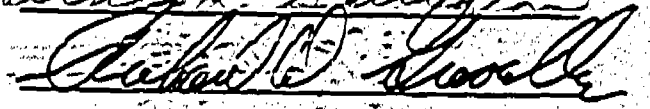
In all other respects, Decisions Nos. 88794 and 90167 shall remain in full force and effect.

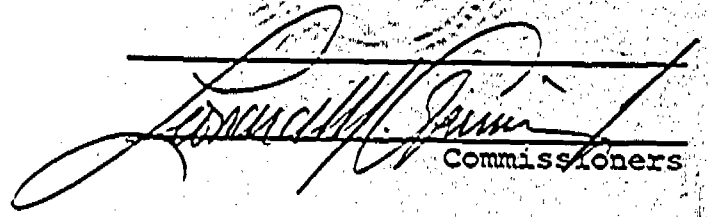
The effective date of this order is the date hereof.
Dated AUG 28 1979, at San Francisco, California.



President







Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.