

Decision No. 91171 DEC 18 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety,)
 maintenance, operation, use, protection))
 and closing of the following crossings)
 at grade with the "D" Line of the)
 Southern Pacific Transportation Company))
 in the City of Lodi: Crossing No.)
 D-102.9, Tokay Street; Crossing No.)
 D-103.1, Lodi Avenue; Crossing No.)
 D-103.2, Walnut Avenue; Crossing No.)
 D-103.25, Oak Street; Crossing No.)
 D-103.3, Pine Street; Crossing No.)
 D-103.4, Elm Street; Crossing No.)
 D-103.5, Locust Street; Crossing No.)
 D-103.6, Lockford Street.)

OII No. 2
 (Filed October 25, 1977)

Harold S. Lentz, Attorney at Law, for
 Southern Pacific Transportation Company,
 and Robert H. Mullen, Gene Walton,
 and Ron Stein, Attorneys at Law, for
 the City of Lodi, respondents.
William J. Jennings, Attorney at Law, and
Robert Stich, for the Commission staff.

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 91048, dated November 20, 1979, this Commission ordered the closure, within six months, of the Walnut Street and Oak Street crossings because of the persistent and unacceptable record of train-involved accidents on the Southern Pacific Transportation Company's (SP) Oakland-Sacramento mainline running through the City of Lodi (Lodi). By further order of the Commission, installation of proper automatic protection, i.e. crossing gates, at the Tokay, Pine, Elm, Locust, Lodi and Lockford crossings was directed.

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Through inadvertence, Decision No. 91048 failed to impose a time limit upon SP for the necessary installation of crossing protection at the above-designated sites. Given the significant protection afforded vehicular and pedestrian traffic by the appropriate crossing gates, timely installation by SP is mandated by public safety concerns. It is reasonable to expect that SP can complete installation of the crossing protection as designated in Decision No. 91048 within 270 days, and we will so order.

Given the serious and ongoing hazard posed to both passenger and vehicular traffic by the unprotected crossings, this matter constitutes an unforeseen emergency situation and has been added to the Commission's business agenda subsequent to the mailing of its notice of meeting.

In the interest of expediting the critical public safety measures ordered, this decision will be made effective the date of signature.

Findings of Fact

1. Timely installation by SP of crossing protection at the Tokay, Pine, Elm, Locust, Lodi and Lockford crossings is mandated by public safety concerns.

2. 270 days is a reasonable period within which SP can properly install the appropriate crossing protection.

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Conclusions of Law


1. SP should be ordered to install crossing protection at the Tokay, Pine, Elm, Locust, Lodi and Lockford crossings within 270 days of the effective date of this order.


IT IS ORDERED that:


1. Within 270 days of the effective date of this order, SP shall, consistent with the requirements of Decision No. 91048, install crossing protection at the Tokay, Pine, Elm, Locust, Lodi and Lockford crossings.


The effective date of this order is the date hereof.

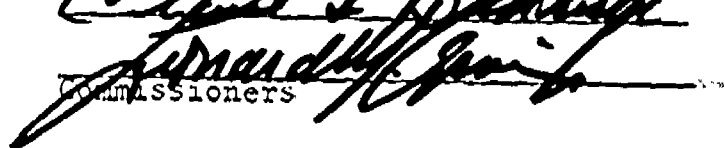
Dated DEC 18 1979, at San Francisco, California.



President








Commissioners