

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION SR-23
Safety Division
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R E S O L U T I O N

AUTHORITY TO OPERATE PASSENGER TRAIN EXCURSIONS ON TRACKS OF THE EUREKA SOUTHERN RAILROAD BETWEEN EUREKA, CALIFORNIA, AND FORT SEWARD, CALIFORNIA, INCLUDING INTERMEDIATE POINTS, AND BETWEEN EUREKA, CALIFORNIA, AND POINTS WITHIN A 10-MILE RADIUS OF EUREKA.

By letter dated October 9, 1990, the Eureka Southern Railroad Company (ESR) requests authority to operate limited passenger excursion service during portions of the remainder of the year 1990. The letter is meant to satisfy the requirements of the California Public Utilities Commission (CPUC) in authorizing passenger service on the line. Authority for passenger train excursions was previously granted by Resolution Nos. SR-16 and SR-20, dated May 4, 1990 and June 6, 1990, respectively, for the 1990 season through October 14, 1990. That authority, however, was conditioned on the ESR meeting state and federal safety regulations and was nullified by an emergency order from the Federal Railroad Administration (FRA) prohibiting passenger service between Willits and Eureka because the subject track did not meet Class 1 requirements.

Subsequently, after repairs performed by the ESR and several FRA re-inspections, an FRA order dated October 1, 1990 has partially lifted the previous order and authorized passenger service between Fort Seward (Milepost (MP) 216.6) and Eureka (MP 284.1).

The instant ESR petition seeks authority to operate one or more round-trip excursion runs between Eureka and Fort Seward through November 11, 1990. The petition also requests authority to conduct occasional passenger excursions over track located within a radius of 10-miles (north and south) of Eureka, through December 31, 1990.

Resolution SR-20 addressed an ESR Petition for Variance from the clearance requirements of General Order 26-D concerning Tunnel 40 and granted a variance through October 14, 1990. By the instant resolution, we extend said variance through November 11, 1990. We note that the passenger service proposed within a ten-mile radius of Eureka will not reach Tunnel 40. Moreover, it will be conducted over generally flat terrain where no rail safety problem has been identified.

The ESR letter provides the following additional information:

1. Excursion service between Eureka and Fort Seward will be one-day, round-trip service and will occur on one or more weekends. Fares will be \$29 for children and \$65 for adults.
2. The dates and fares for the shorter excursion service within a 10-mile radius of Eureka, planned principally as Christmas season events, will be announced at a later date.
3. Liability insurance of \$5,000,000 will be provided by the carrier for all passenger service.
4. A radio-equipped, track patrol car, manned by railroad personnel, will precede each train operating between Eureka and Fort Seward to assure the safety of the line.

Based on the information contained in the letter and previous information furnished to us on the ESR, we conclude that the request is reasonable and agree that the operation of the trains can be conducted by the carrier as requested.

IT IS ORDERED that the requested authority is hereby granted subject to the following conditions:

1. Track, equipment, and operation shall be maintained according to applicable sections in the Code of Federal Regulations applying to Common Carrier Railroad Corporations, as well as all state regulations, including sections of the California Public Utilities Code and applicable CPUC General Orders.
2. Liability insurance requirements of not less than \$5,000,000 shall be provided for each passenger run operated.
3. The entire operation shall be conducted in accordance with the Operating Rules and Emergency Plan of the Eureka Southern Railroad, and will include operating a radio-equipped track patrol car manned by railroad personnel before each passenger excursion train between Eureka and Fort Seward (and return).
4. With respect to the Eureka-Fort Seward excursion passenger service, this authority shall be effective through November 11, 1990.

5. With respect to the excursion passenger service within a 10-mile radius of Eureka, this authority shall be effective through December 31, 1990. At least 10 days prior to any such excursion service, the ESR shall inform the CPUC in writing of the dates, fares and approximate times of the service.
6. The variance granted by Resolution SR-20 from the clearance requirements of General Order 26-D concerning Tunnel 40 is extended through November 11, 1990.

I certify that this Resolution was adopted by the Public Utilities Commission on OCT 12 1990.
The following Commissioners approved it.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. FOLETT
JOHN B. CHAPMAN
PATRICIA M. ECKERT
Commissioners


Executive Director