

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the fatal accident at the North Street Crossing (MP 220.50) in the City of Selma, Fresno County, on June 6, 2003, and order to show cause why this crossing should not be closed.

I.03-08-017
(Filed August 21, 2003)

COPY

**JOINT STIPULATION OF THE CITY OF SELMA, THE
UNION PACIFIC RAILROAD COMPANY, AND
THE RAIL CROSSING ENGINEERING SECTION OF THE
CONSUMER PROTECTION AND SAFETY DIVISION
REGARDING I.03-08-017**

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February 2, 2004

**JOINT STIPULATION OF THE CITY OF SELMA, THE
UNION PACIFIC RAILROAD COMPANY, AND
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BACKGROUND:

On August 21, 2003, the Commission issued the Order Instituting Investigation (OII) and Order to Show Cause in this proceeding into whether the North Street Crossing in the City of Selma, Fresno County, California should be closed. The Rail Crossing Engineering Section of the Consumer Protection and Safety Division (staff) requested the OII following a fatal collision between a tow truck and a train that occurred at the North Street Crossing (MP 220.50) on June 6, 2003. This was the fifth fatality at the North Street Crossing since 1989. It is not protected with automatic gates. There is a gated crossing one block to the north and another one block to the south of the North Street Crossing, and staff contended that the crossing is redundant and should be closed.

The Federal Railroad Administration, the Federal Highway Administration, the California Department of Transportation, and the Commission, all have a policy that favors closing at-grade crossings on railroad lines when other crossings are nearby.

On September 2, 2003, Administrative Law Judge Maribeth Bushey issued a ruling directing the City of Selma (City) to take all actions necessary to prevent vehicles and pedestrians from using this crossing, pending further order of the Commission.

On September 25, 2003, Union Pacific Railroad Company (UP) filed its motion to intervene. The motion was granted on November 21, 2003.

Thereafter, at the direction of ALJ Bushey, the parties met and conferred and diligently endeavored to reach a mutually agreeable settlement. At the prehearing conference on January 22, 2004, the parties advised that a settlement

had been reached. Under the terms of the settlement, the City will permanently close the North Street Crossing and UP will be authorized to physically remove the crossing surfaces and the signalized warning devices as provided in the joint stipulation.

JOINT STIPULATION:

The Parties agree as follows:

1. That this Joint Stipulation should be considered by the Commission as fully resolving the issues associated with the Investigation. The Parties will fully support and advocate Commission approval of the Joint Stipulation. The Parties' support of the Joint Recommendation is conditioned upon CPUC approval without modification. If the CPUC approves the Joint Recommendation without modification, one Party will not seek modification of the Commission order approving the Joint Recommendation without the consent of the other Parties.

2. The North Street Crossing shall be permanently closed by the City effective immediately. The City shall be responsible for removing the asphalt roadway approaches to the crossing to a distance of two (2) feet from the edge of the rail and for constructing curbs and gutters on either side of the crossing to prevent vehicles from accessing the crossing.

3. The City shall maintain the existing temporary traffic barriers, consisting of a wooden plank barrier and concrete "k- rails", on either side of the crossing for a period of five (5) years or until such time as an alternative, such as appropriate landscaping, is established that achieves the same barrier purpose.

4. UP shall be authorized to remove the concrete crossing panels and the signalized warning devices from the crossing. All work performed by UP shall comply with the Commission's applicable General Orders.

5. The City, with the assistance and cooperation of staff shall be permitted to seek reimbursement of its expenses for removal of the roadway approaches and for installation of curbs and gutters from the Section 130 funds, or

other available sources. UP agrees to waive its right to seek recollection of its expenses associated with removal of the crossing.

6. The parties waive their right to comment on the draft decision in order that the Commission can issue its order adopting the terms set forth in this Joint Stipulation as expeditiously as possible.

THEREFORE, intending to be legally bound, the signatories duly execute this Joint Stipulation on behalf of the Parties they represent as of the date entered below.

Dated: _____

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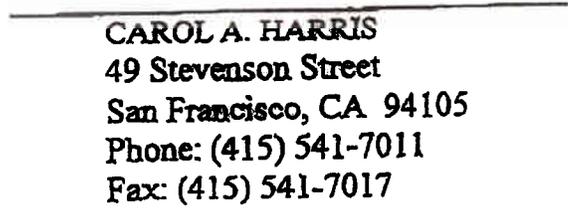
Dated: 2/1/04



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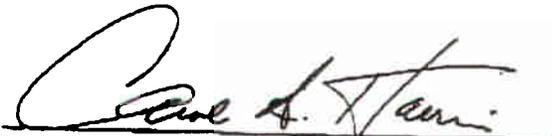
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CERTIFICATE OF SERVICE

I hereby certify that I have served by mail this day a true copy of the attached Joint Stipulation of The City Of Selma, The Union Pacific Railroad Company, and The Rail Crossings Engineering Section of The Consumer Protection and Safety Division Regarding I.03-08-017 to all parties of record in this proceeding or their attorneys of record.

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