

Decision No. 28425

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company, a corporation, and Southern Pacific Railroad Company, a corporation, for an order authorizing them to convey certain parcels of land in Bernal Cut to the City and County of San Francisco, State of California, in exchange for certain parcels of land to be conveyed to Southern Pacific Railroad Company by said City and County of San Francisco and authorizing Southern Pacific Company to make certain track changes in said Bernal Cut.

**ORIGINAL**

Application No. 15054.

BY THE COMMISSION:

O R D E R

In this application Southern Pacific Company, a corporation, and Southern Pacific Railroad Company, a corporation, hereinafter collectively referred to as the Railroad Companies, under the provisions of Section 51-A of the Public Utilities Act of the State of California, request authority to convey certain parcels of land hereinafter described to the City and County of San Francisco, in accordance with the terms of agreements attached to the application and to authorize them to do and perform the work of moving and changing and relocating tracks as provided in said agreements.

Under the terms of an agreement, dated March 23rd, 1914, said railroad companies conveyed to the City and County of San Francisco, a parcel of land tinted in yellow on the map (M.W.D. Drawing 5906, Sheet 2, as revised December 2nd, 1927,) attached to the present application, and agreed to grade the strip of land so conveyed to provide a roadway of a public highway adjacent to

its tracks through what is known as the "Bernal Cut" in the southerly part of said City and County. The City and County of San Francisco, under the terms of this agreement, undertook to move the encroachments, erect retaining walls and to pave the roadway graded by Southern Pacific Company.

It appears that the city now desires to construct a wider roadway than that originally contemplated, offering better facilities for its double-track municipal street car line, and it is desirous that Southern Pacific Company's tracks be shifted northerly and westerly to locations shown in red on the drawing above referred to and that said railroads convey to said city and county additional property not included in the above mentioned agreement, dated March 23rd, 1914.

Two agreements, dated July 27th, 1928, cover the exchange of these parcels, the reconstruction of the tracks of Southern Pacific Company and construction of the proposed highway and the tracks of the municipal railway of the City and County of San Francisco. Copies of these agreements are attached to the application.

Under the terms of the first attached agreement, dated July 27th, 1928, said Railroad Companies propose to convey to the City and County of San Francisco a parcel of land which is tinted in pink color on the map above referred to and is described as follows:

A strip of land 32.77 feet in width lying between the southerly line of Randall Street and the center line of San Jose Avenue (near Diamond Street) said strip being bounded and described as follows:

Bounded on the northeast by the southerly line of Randall Street; on the west and northwest by a line drawn parallel or concentric with and uniformly distant 22.77 feet westerly and northwesterly, measured radially or at right angles from the original center line of the main track of the Southern Pacific Railroad Company's branch line between San Francisco and Colma; on the southwest by the center line of San Jose Avenue (near Diamond Street)

and on the southeast and east by a line drawn parallel or concentric with and uniformly distant 10.00 feet southeasterly and easterly, measured radially or at right angles from said original center line of the Southern Pacific Railroad Company's branch line, said line coinciding with the northerly and westerly boundary line of the strip of land heretofore conveyed to the City and County of San Francisco by Southern Pacific Railroad Company and Southern Pacific Company by deed dated March 23, 1914.

Also a triangular shaped parcel of land, described as follows:

Beginning at a point in the westerly line of Dolores Street, distant 100.00 feet northerly from the northerly line of Randall Street; thence southerly along said westerly line of Dolores Street and its prolongation a distance of 150.00 feet, more or less, to the southerly line of Randall Street; thence westerly along said southerly line of Randall Street a distance of 22.50 feet, more or less, to a point; thence in a northeasterly direction on a direct line to the point of beginning.

Under the terms of the second attached agreement, dated July 27th, 1928, said Railroad Companies propose, in the event the first attached agreement is carried out, to quit-claim a certain parcel of land lying within the parcel heretofore conveyed on March 23rd, 1914, which said Railroad Companies reserved the right to use for team track purposes in the deed dated March 23rd, 1914. This parcel is outlined in dotted red on the above referred to map and is described as follows:

Parcel 1:

A strip of land 8.5 feet wide, lying adjacent to and southeasterly of a line drawn 10.00 feet at right angles and radially southeasterly from the original center line of the main track of the Southern Pacific Railroad Company's San Francisco-San Bruno Branch, between Engineer's Station 78+48.5 and 92+40.

Parcel 2:

A strip of land 13.5 feet wide, lying adjacent to and southeasterly of a line drawn 10.00 feet at right angles southeasterly from the original center line of the main track of the Southern Pacific Railroad Company's San Francisco-San Bruno Branch, between Engineer's Station 92+40 and 101+20.

The above described parcels of land being the same property as reserved in part III, page 3, of that certain deed, dated March 23, 1914, between Southern Pacific Rail-

road Company, Southern Pacific Company and the City and County of San Francisco.

The application recites that the original cost to the Southern Pacific Railroad Company of the land it is proposed to convey is the sum of \$1,328; that, in the opinion of the applicants, the present market value of said land is the sum of \$73,998. It appears that in exchange for said land, the City and County of San Francisco will convey to said Railroad Companies certain parcels of land tinted in green, purple and gray colors on the above referred to drawing, and that in the opinion of the applicants, the market value of said land to be received in exchange is the sum of \$105,143.

The Commission is of the opinion that this is not a matter in which a public hearing is necessary; that the exchange of property proposed would not interfere with future railway operations of said Railroad Companies; that the conveyance of the above described property appears to be in the public interest and that this application should be granted, therefore,

IT IS HEREBY ORDERED that Southern Pacific Company and Southern Pacific Railroad Company, applicants herein, be and they are hereby authorized to convey to the City and County of San Francisco the above-described property in accordance with the terms set forth in the agreements dated July 27th, 1923, attached to the application, and to relocate its tracks as set forth in said agreements.

Nothing in this order, however, shall be construed as granting authority for any grade crossing of tracks of said Railroad Companies with streets or highways or of any street or highway with the tracks of said Railroad Companies, nor shall this order be deemed as authority for the construction of any tracks of said Railroad Companies across any street railway tracks, or

the construction of any street railway tracks across the tracks  
of said Railroad Companies.

The authority herein granted shall become effective  
on the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day  
of November, 1928.

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*O. P. Leaver*  
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*James J. [unclear]*  
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*Thos. D. [unclear]*  
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*M. J. [unclear]*

Commissioners.