

Decision No. 21030

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY for an order permitting it to construct, maintain and operate (1st) a spur track at grade across Cumberland Street, Los Medanos Street, and East Street, in the City of Pittsburg, County of Contra Costa, and across Harbor Street and Columbia Street in the County of Contra Costa, (2nd) a spur track across Cumberland Street in the City of Pittsburg, County of Contra Costa, and (3rd) a spur track across Columbia Street in the County of Contra Costa.

ORIGINAL

Application No. 14469

In the Matter of the Application of SAN FRANCISCO-SACRAMENTO RAILROAD COMPANY for permission to construct a spur track at grade across a spur track of The Atchison, Topeka & Santa Fe Railway Company in the County of Contra Costa, State of California.

Application No. 14470

- C.W. Dooling, for Applicant.
J. R. Hitchcock and Platt Kent, for The Atchison, Topeka & Santa Fe Railway Company, Protestant.
H.W. Hobbs, for Southern Pacific Company, Protestant.
A. Walker Allen and Raymond T. Mc Glynn, for 182 residents and business men of the City of Pittsburg, Protestants.
A.B. Tinning, District Attorney, for County of Contra Costa, interested party.

BY THE COMMISSION -

OPINION

San Francisco-Sacramento Railroad Company, a corporation, in the above entitled applications seeks authority from this Commission to construct an extension of its railroad at grade across Cumberland Street, Los Medanos Street, and East Street, in the City of Pittsburg, across Harbor Street and Columbia Street, in the County of Contra Costa, and at grade across a spur track of The Atchison, Topeka & Santa Fe Railway Company

in the County of Contra Costa.

Public hearings on these applications, which were consolidated for the purpose of receiving evidence and for decision, were conducted by Examiner Handford at Pittsburg and San Francisco, the matters were duly submitted and are now ready for decision.

San Francisco-Sacramento Railroad Company now owns and operates a branch line extending from West Pittsburg, a junction point on its main line between Oakland and Sacramento, to a station located at Railroad Avenue and Eighth Street in the City of Pittsburg. The company proposes to extend this branch line in order to serve the industries located east of the City of Pittsburg, and more particularly the Redwood Manufacturing Company and the Columbia Steel Company. The railroad proposes to use the extension exclusively for freight traffic, it being intended to operate two trains daily (or more if required by the demands of traffic) in each direction at a maximum speed of fifteen miles per hour. The applicant's right of way in the City of Pittsburg consists of a 100 foot strip of land paralleled on each side by a roadway known as East Eighth Street. It is proposed to construct two tracks across both Cumberland Street and Columbia Street and a single track across Los-Medanos, East and Harbor Streets. A single track is proposed to be constructed across the spur track of The Atchison, Topeka & Santa Fe Railway. This crossing will be located adjacent to the crossing of Harbor Street.

H.A. Mitchell, Vice President and General Manager of applicant, presented a count of the traffic for a twelve-hour period at the proposed street crossings. This traffic count was made on Monday, April 9, 1928, during the twelve-hour period from 7:00 A.M. to 7:00 P.M., and shows the following highway movements at the proposed street crossings:

Pedestrians

	<u>Automobiles</u>	<u>Adults</u>	<u>Children</u>
Cumberland Street	778	304	77
Los Medanos Street	478	115	99
East Street	444	84	48
Harbor Street	148	16	0
Columbia Street	218	99	0

This witness is of the opinion that no protection, other than standard cross-arm signs, is needed for the protection of the street crossings and suggested that all trains be brought to a full stop and flagged across the spur track of the Santa Fe. Due to the location of this crossing, adjacent to the crossing of Harbor Street, he suggested that the arrangement for flagging the Santa Fe crossing might be extended to include the crossing of Harbor Street,

Testimony was presented on behalf of the protesting property owners and business men of the City of Pittsburg as to traffic conditions existing at the proposed crossings in the City of Pittsburg, particularly with regard to the hazard to children who would be required to cross the tracks going to and from school. The Pittsburg Fire Department, located at the City Hall, south of the proposed tracks, would be required to cross the tracks with its apparatus to reach the northern section of the city. These protestants, while having no desire to prevent the applicant from obtaining access to the industries located east of the City of Pittsburg, desire that a route other than that proposed be used for such purpose. Applicant contends that the desirability of the proposed route is evidenced by the fact that franchises have been granted by the City of Pittsburg and the County of Contra Costa, copies of said franchises being attached to the application herein.

The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company appeared as protestants at the first hearing on the applications and announced their intention of presenting evidence in support of their protest at a later hearing. At the adjourned hearing counsel for The Atchison, Topeka and Santa Fe Railway withdrew the protest of his company, stating that such company did not desire to oppose the granting of the applications, and that he understood the protest of the Southern Pacific Company was withdrawn, there being no appearance on behalf of such protestant at the adjourned hearing.

By stipulation it was agreed that applicant and The Atchison, Topeka and Santa Fe Railway would draw up an agreement covering the construction and maintenance of the crossing at grade of the proposed track across the spur track of The Atchison, Topeka and Santa Fe.

After full consideration of the record herein, we are of the opinion that the evidence justifies the granting of authority to construct the crossings at grade as applied for in the above entitled applications, and that the following form of order is recommended.

O R D E R

San Francisco-Sacramento Railroad Company having made application for authority to establish crossings at grade in the City of Pittsburg and the County of Contra Costa, and for authority to cross a spur track of The Atchison, Topeka and Santa Fe Railway Company in the County of Contra Costa, at grade; public hearings having been held, the matters having been consolidated and duly submitted, and now ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to San Francisco-Sacramento Railroad Company to construct two tracks at grade across Cumberland Street, and

one track at grade across Los Medanos Street, and East Street; in the City of Pittsburg, and one track across Harbor Street; and two tracks across Columbia Street, in the County of Contra Costa, State of California, at the points as described in Application No.14469, and as shown on the map marked "Exhibit A" and made a part thereof. Said crossings to be constructed subject to the following conditions:

1- The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

2- Said crossings shall be constructed equal or superior to the type shown as Standard No.2 in General Order No.72 of this Commission and shall be constructed without super-elevation and of a width to conform to those portions of said streets now graded, with tops of rails flush with the roadways, and with grades of approach not exceeding three (3) percent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

3- No train, engine, motor or car shall be operated over said crossing of Harbor Street unless said train, engine, motor or car is brought to a stop and traffic on the highway is protected by a member of the train crew or other competent employee acting as a flagman.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to San Francisco-Sacramento Railroad Company to construct its track at grade across the spur track of The Atchison, Topeka & Santa Fe Railway Company, in the County of Contra Costa, State of California, at the location described in Application No.14470, and as shown on the map marked "Exhibit A" (San Francisco-Sacramento Railroad Company proposed extension across The Atchison, Topeka & Santa Fe Railway spur) attached to the application, said crossing to be constructed subject to the following conditions:

1- The entire expense of constructing the crossing, together with the cost of its maintenance thereafter, shall be borne in accordance with an agreement to be filed with this Commission within ninety (90) days from the date of this order, said agreement to be subject to the approval of this Commission. In the event the interested parties are unable to reach an agreement within said ninety (90) days, the Commission will assess the costs by subsequent order.

2- All trains, motors, engines and cars of applicant shall stop before crossing the spur track of The Atchison, Topeka and Santa Fe Railway Company and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain if it be safe so to do and shall have given a suitable signal to proceed.

IT IS HEREBY FURTHER ORDERED that

1- Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

2- If said crossings shall not have been installed within one year from the date of this order the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

3- The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem just and proper and to revoke its permission if, in its judgment, the public convenience and necessity demands such action.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of April, 1929.

Thos D. Latta

W. J. Latta

Ernest J. Latta

Leon Whittell

W. J. Latta  
COMMISSIONERS.