

Decision No. 21606

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across Napoleon Street and Evans Avenue, in the City and County of San Francisco, State of California.</p>
---

Application No. 15947.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 14th day of September, 1929, asking for authority to construct a spur track at grade across Napoleon Street and Evans Avenue, in the City and County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 352) has been granted by the Board of Supervisors of said City and County for the construction of said crossing at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned in this application and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across Napoleon Street and Evans Avenue, in the City and County of San Francisco, State of California, at the location hereinafter particularly described and as shown by the map (Coast Division Drawing No. 15700) attached to the application.

### Description of Crossing

Beginning at a point on the southerly line of Napoleon Street, 60 feet, more or less, in a westerly direction from its intersection with the northwesterly line of Toland Street, thence northeasterly and crossing Napoleon Street and Evans Avenue to a point on northeasterly line of Evans Avenue 74 feet, more or less, in a northwesterly direction from its intersection with the northerly line of Napoleon Street.

Said crossing to be constructed subject to the following conditions, and not otherwise:

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

(2) Said crossing shall be constructed substantially in accordance with Standard No. 4, in General Order No. 72 of this Commission, and shall be constructed without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach conforming, as far as practicable, with established street grades, shall be protected by Standard No. 1 crossing signs, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

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

(5) If said crossing 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.

(6) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossing, as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of September, 1929.

W. J. Connelley

W. J. Connelley

W. J. Connelley

Leon Whitehall

W. J. Connelley

Commissioners.