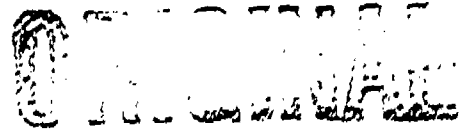


Decision No. 23346.



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
THE SAN DIEGO AND ARIZONA RAILWAY)
COMPANY for permission to operate) Application No. 16980
spur track serving Union Oil Company)
with present impaired clearances.)

Read G. Dilworth for Applicant.
George R. Spickard for Brotherhood of Railroad
Trainmen.
J. D. Nesbitt for Union Oil Company.

BY THE COMMISSION:

O P I N I O N

The San Diego and Arizona Railway Company has petitioned the Railroad Commission for an order authorizing the operation of tracks with impaired clearances at the plant of the Union Oil Company, located at the intersection of Newton Avenue and Thirteenth Street, San Diego.

A public hearing was held by Examiner Gannon at San Diego and the matter was duly submitted.

The trackage in question is owned by the Union Oil Company and consists of two spur tracks each approximately 250 feet in length, serving the warehouse and oil unloading rack of said oil company.

Existing impaired clearances located adjacent to the said spur tracks are as follows:

First: an Elwood wire fence 252 feet in length located on northerly property line. The posts of this fence are 5'7" high above top of rails, and the fence clears the center line of

northerly track from 7.60 feet to 7.94 feet.

Second: on the south side of southerly track the gate, when open, clears center line of track 8.44 feet.

Third: an oil unloading rack located between the tracks is 15' high, the foundation posts of same clearing center line of north track 7.75 feet at one end and 7.80 feet at the other end. Four feet above the top of the rail on the unloading rack the clearance from center line of track on westerly end is 8.36 feet and on easterly end 8.46 feet.

The post supports of oil unloading rack are located 8' 6" from center line of track, but there are several braces which have impaired clearances of one or two inches, and five valve handles at a height of 15' clear center line of track from 7.40 feet to 7.55 feet.

The said two spur tracks are served by applicant, San Diego and Arizona Railway Company, and the records of that company show that during the year 1930 there were 1,013 cars moved into said plant and 1,032 cars moved out of same by applicant.

On direct examination Mr. C. W. Abendroth, Assistant Engineer of the San Diego and Arizona Railway Company, testified that in order to correct conditions and make proper clearances at the plant of the Union Oil Company, it would be necessary to move the entire plant, including a large warehouse. However, on cross-examination this witness testified that a vacant lot 139' by 240', located immediately north of the Union Oil Company's plant, was owned by the applicant, San Diego and Arizona Railway Company, and if a strip of such vacant land one foot wide on the southerly side of said vacant lot were to be acquired by the Oil Company, it would then be possible to move the Elwood wire fence, thus correcting the impairment caused by the fence.

The Commission by its General Order No. 26, effective January 1, 1913, prescribed standard clearances to be observed thereafter, unless otherwise directed or authorized by the Commission. The record shows that the fence on the northerly property line of Union Oil Company was reconstructed subsequent to the effective date of the Commission's General Order.

The impaired clearances caused by the five valves, located about 15 feet high above top of rails and which were installed prior to the effective date of our General Order No. 26, are not considered serious impairments due to the fact that, with few exceptions, only oil tank cars are operated over said tracks, and trainmen riding oil tank cars into this plant would not be likely to come in contact with said valves.

All other impairments existing along said track at this plant are of a minor nature and consist of very slight infractions of the Commission's General Order prescribing standard clearances.

ORDER

A public hearing having been held in the above entitled application, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that applicant, San Diego and Arizona Railway Company, be and it is hereby authorized to operate over tracks of the Union Oil Company in the City of San Diego, more definitely described by blueprint map, marked San Diego and Arizona Railway Company H-140, attached to and made a part of the application, (said tracks having impaired clearances, which are less than those prescribed by this Commission in its General Order No. 26-C), subject to the following conditions:

1. Operation over the southerly spur track serving the loading platform, warehouse and oil unloading rack, with present impaired clearances, is hereby authorized, provided proper impaired clearance signs are maintained at the gate to the entrance to said track and also at westerly end of unloading rack.
2. Operation over the northerly spur track serving the oil unloading rack is hereby authorized, provided a side clearance of 8' 6" between center line of track and Elwood wire fence, located on north side of northerly spur track, is maintained.

The Commission reserves the right to make such other and further orders in this proceeding as to it may appear just and proper, or to revoke its permission if, in its judgment, the safety of operation at these locations so demands.

Dated at San Francisco, California, this 2nd day of

February, 1931.

C. J. Severy
Leon Whitwell
M. J. Linn
M. B. Lanning
Fred G. Peterson
Commissioners.