

NAW/GEE

Decision No. 24595

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application
of SOUTHERN PACIFIC COMPANY
for an order authorizing the
construction at grade of drill
tracks and industrial spur
tracks in and along and across
certain streets and avenues in
the City and County of San Fran-
cisco, State of California.

ORIGINAL

Application No. 17723.

In the matter of the application
of WESTERN PACIFIC CALIFORNIA RAIL-
ROAD COMPANY for permission to con-
struct, maintain and operate five
spur tracks at grade along and a-
cross certain streets and avenues
in the City and County of San Fran-
cisco, State of California.

Application No. 17772.

E.J. Foulds, for Applicant
Southern Pacific Company.
I.N. Bradshaw, for Applicant
Western Pacific California
Railroad Company.

WEITSELL, COMMISSIONER:

O P I N I O N

In Application No. 17723 Southern Pacific Company re-
quests authority to build drill tracks and industrial spur tracks
at grade across certain streets in the City and County of San
Francisco at a district known as the Bay View District, south of
Hunters Point and east of Third Street.

In Application No. 17772 Western Pacific California

GEE

Railroad Company requests authority to build spur tracks at grade across certain streets in the same district and in some cases along the same streets as the proposed spurs of the Southern Pacific Company.

A public hearing was held at San Francisco on November 24, 1931, and at this hearing these matters were consolidated for hearing and decision.

The application of the Southern Pacific Company proposes a drill track connecting with the end of an existing tract at Carroll Avenue and Ingalls Street and extending in a general northerly direction along private right of way to the southerly line of Quesada Avenue near Hawes Street, crossing Ingalls Street, Bancroft Avenue, Armstrong Avenue, Yosemite Avenue, Wallace Avenue, Van Dyke Avenue, Hawes Street, Underwood Avenue, Thomas Avenue, Shafter Avenue and Revere Avenue. With the exception of Underwood Avenue, Shafter Avenue and Revere Avenue, these streets are all ungraded and not travelled. In addition to the drill track, a spur track along Armstrong Avenue, crossing Ingalls Street, Jennings Street and Keith Street, is proposed and also a spur track along Van Dyke Avenue, crossing Ingalls Street and Van Dyke Avenue. Keith Street is the only improved street crossed by either of these spurs.

Western Pacific California Railroad Company plans five spur tracks connecting with its proposed main line in Griffith Street and extending westerly along Underwood Avenue, Van Dyke Avenue, Wallace Avenue, Armstrong Avenue and Donner Avenue. These spurs are from two to five blocks long and cross the intervening north and south streets. They would also cross the drill track proposed by Southern Pacific Company in its application. Most of the streets crossed or otherwise traversed by the proposed Western

Pacific California Railroad Company's spurs are also paper streets, the only actual crossings being at Underwood Avenue and Hawes Street and at Armstrong Avenue and Keith Street.

It appears that both companies have received franchises from the City and County of San Francisco for their respective tracks and that these franchises provide that the company allow any other owner or operator of railroads to use such tracks upon paying an equal portion of the cost of construction and repair.

The application of Western Pacific California Railroad Company was not opposed by Southern Pacific Company. The Western Pacific California Railroad Company, however, opposed the application of Southern Pacific Company but only on the grounds that, if all the tracks were constructed that are proposed in both applications, it would require the construction of several track crossings at grade of the lines of the two companies and, it being probable that Southern Pacific Company would be able to construct its tracks prior to the construction of the Western Pacific California Railroad Company, the latter company might be considered a junior interest and be required to pay the entire cost of constructing and protecting these track crossings.

After considering the evidence in these proceedings I am of the opinion that there is no particular hazard to the public involved in any of the grade crossings with the streets and that the track crossings involved can be safely operated. It is therefore my recommendation that both applications be granted subject to the condition that the applicants permit joint use of the crossings of public streets by any other carrier and that Southern Pacific Company accept the permission to cross Bancroft, Armstrong, Wallace, Van Dyke and Underwood Avenues on condition that it will

not oppose construction of spur tracks in these streets by Western Pacific California Railroad Company and will undertake to enter into an agreement with this company covering the terms of installation and maintenance of the proposed track crossings involved.

The following form of order is recommended.

O R D E R

Southern Pacific Company, in Application No. 17723, having made application to construct drill tracks and spur tracks at grade across certain streets and avenues in the City and County of San Francisco and Western Pacific California Railroad Company, in Application No. 17772, having made application to construct spur tracks at grade across certain streets and avenues in said city and county, a public hearing having been held thereon, at which the matters were consolidated for decision and are now under submission and ready for decision,

IT IS HEREBY ORDERED: (I) That Southern Pacific Company is hereby authorized to construct drill tracks and spur tracks at grade across certain streets and avenues in the City and County of San Francisco, as shown in the following list and as more particularly described in the application and as shown by the map attached thereto:

CROSSINGS AUTHORIZED

<u>Crossing Number</u>	<u>Street Crossed</u>	<u>Near or Between</u>	<u>Type of Pavement</u>
E-4.32-C	Carroll Avenue	At Ingalls Street	None
E-4.32-C	Ingalls Street	Carroll Avenue	None
(Paper Street)	Bancroft Avenue	Between Ingalls Street and Hawes Street	Not travelled
(Paper Street)	Armstrong Avenue	Between Ingalls Street and Hawes Street	Not travelled
(Paper Street)	Yosemite Avenue	Between Ingalls Street and Hawes Street	Not travelled
(Paper Street)	Wallace Avenue	Between Ingalls Street and Hawes Street	Not travelled
(Paper Street)	Van Dyke Avenue (2 tracks)	Between Ingalls Street and Hawes Street	Not travelled
E-4.70-C	Hawes Street (2 tracks)	At Underwood Avenue	Macadam
E-4.70-C	Underwood Avenue	At Hawes Street	Macadam
(Paper Street)	Thomas Avenue (2 tracks)	Between Hawes Street and Griffith Street	Not travelled
E-4.81-C	Shafter Avenue	Between Hawes Street and Griffith Street	Macadam
E-4.87-C	Revere Avenue	Between Hawes Street and Griffith Street	Macadam
(Paper Street)	Ingalls Street	At Van Dyke Avenue	Not travelled
(Paper Street)	Ingalls Street	At Armstrong Avenue	Not travelled
(Paper Street)	Jennings Street (2 tracks)	At Armstrong Avenue	Not travelled
(Paper Street)	Armstrong Avenue	Near Jennings Street	Not travelled
E-4.71-C	Keith Street	At Armstrong Avenue	Asphalt

Said authority is granted subject to the following conditions:

- (1) Such of the above authorized crossings as are now open to travel shall be identified by the crossing numbers appearing before said crossings in the above list.
- (2) The entire expense of constructing and thereafter maintaining said crossings shall be borne by applicant.
- (3) Said crossings of Carroll Avenue and Ingalls Street (Crossing No. E-4.32-C), Revere Avenue (Crossing No. E-4.81-C), Shafter Avenue (Crossing No. E-4.87-C), Hawes Street and Underwood Avenue (Crossing No. E-4.70-C) shall be constructed equal or superior to the type shown as Standard No. 2 in our General Order No. 72;

and crossing of Keith Street (Crossing No. E-4.71-C) shall be constructed according to Standard No. 4 in our General Order No. 72, and all crossings referred to in this paragraph shall be constructed of a width to conform to those portions of said streets and avenues now graded, with the tops of rails flush with the roadway and with grades of approach conforming as nearly as practicable to the official grades of said streets, and shall be protected by Standard No. 1 crossing signs as specified in our General Order No. 75.

- (4) This order is made upon the express condition that the streets and avenues marked "Paper Street" in the above table, crossings of which are herein authorized, are not now actually constructed and open to travel at the respective points of crossing. This order shall not be deemed an authorization for the construction of an opening of said streets to public use across said tracks. Said tracks shall be so constructed that grades of approach conforming to the official grades of said streets will be feasible in the event that the construction of an opening of said streets across said tracks shall hereafter be authorized.
- (5) The above authority is granted on the express condition that Southern Pacific Company in constructing its drill tracks across Bancroft Avenue, Armstrong Avenue, Wallace Avenue, Van Dyke Avenue and Underwood Avenue does so with the understanding that Western Pacific California Railroad Company has declared its intention to construct spur tracks along said streets which will involve track crossings with the proposed tracks of Southern Pacific Company, and that Southern Pacific Company will not oppose the construction of said track crossings or use the prior construction of its tracks as a basis in determining the apportionment of the cost of effecting said track crossings.

(II) That the Western Pacific California Railroad Company is hereby authorized to construct spur tracks at grade across certain streets and avenues in the City and County of San Francisco as shown in the following list and as more particularly described

in the application and as shown by the map attached thereto:

CROSSINGS AUTHORIZED

	<u>Street Crossed</u>	<u>Near or Between</u>	<u>Type of Pavement</u>
(Paper Street)	Griffith Street	Between Carroll Avenue and Donner Avenue	Not travelled
(Paper Street)	Griffith Street	Between Van Dyke Avenue and Wallace Avenue	Not travelled
(Paper Street)	Griffith Street	Between Underwood Ave- nue and Van Dyke Avenue	Not travelled
(Paper Street)	Griffith Street	Near Armstrong Avenue	Not travelled
(Paper Street)	Griffith Street	Between Thomas Avenue and Underwood Avenue	Not travelled
(Paper Street)	Hawes Street	At Donner Avenue	Not travelled
(Paper Street)	Hawes Street	At Armstrong Avenue	Not travelled
(Paper Street)	Hawes Street	At Wallace Avenue	Not travelled
(Paper Street)	Hawes Street	At Van Dyke Avenue	Not travelled
--	Hawes Street	At Underwood Avenue	Macadam
(Paper Street)	Ingalls Street	At Donner Avenue	Not travelled
(Paper Street)	Ingalls Street	At Armstrong Avenue	Not travelled
(Paper Street)	Ingalls Street	At Wallace Avenue	Not travelled
(Paper Street)	Ingalls Street	At Van Dyke Avenue	Not travelled
(Paper Street)	Jennings Street	At Armstrong Avenue	Not travelled
(Paper Street)	Jennings Street	At Wallace Avenue	Not travelled
--	Keith Street	At Armstrong Avenue	Asphalt

Said authority is granted subject to the following condi-
tions:

- (1) The above crossings shall be identified by numbers to be assigned at the time of construction.
- (2) The entire expense of constructing and thereafter maintaining said crossings shall be borne by applicant.
- (3) Said crossing at the intersection of Underwood Avenue and Hawes Street shall be constructed equal or superior to types shown as Standard No. 2 in our General Order No. 72 and the crossing of Keith Street, at its intersection with Armstrong Avenue, shall be constructed according to Standard No. 4 of our General Order No. 72 and both crossings shall be constructed of a width to conform to those portions of said street and avenue now graded, the tops of rails flush with the roadway and with grades of approach conforming as nearly as practicable to the official grades of said streets, and shall be protected by Standard No. 1 crossing.

signs, as specified in our General Order No. 75.

- (4) This order is made upon the express condition that the streets and avenues marked "Paper Street" in the above table, crossings of which are herein authorized, are not now actually constructed and open to travel at the respective points of crossing. This order shall not be deemed an authorization for the construction of an opening of said streets to public use across said tracks. Said tracks shall be so constructed that grades of approach conforming to the official grades of said streets will be feasible in the event that the construction of an opening of said streets across said tracks shall hereafter be authorized.

(III) That nothing in this order shall be construed as authorizing the construction of track crossings between the proposed tracks of Southern Pacific Company and the proposed tracks of Western Pacific California Railroad Company.

(IV) That the crossings herein authorized are constructed subject to the following further conditions:

- (1) Applicants shall permit joint operation of the tracks which create the crossings herein authorized upon application by any other railroad corporation which may desire to join in such joint usage, under terms and conditions which shall meet the approval of this Commission.
- (2) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of their compliance with the conditions hereof.
- (3) The authorization herein granted shall lapse and become void if not exercised within two (2) years from the date hereof unless further time is granted by subsequent order.
- (4) 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 right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

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

The foregoing opinion and order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 21st day of March, 1932

C. J. Seaver
Leon Whitley
W. J. Carr
W. B. Harner
Frederic G. Stewart
 Commissioners.