

Decision No. 24770.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MARKET STREET RAILWAY COMPANY, a cor-
 poration, and THE WESTERN PACIFIC RAIL-
 ROAD COMPANY, a corporation, for an
 order approving a certain agreement between
 MARKET STREET RAILWAY COMPANY and THE
 WESTERN PACIFIC RAILROAD COMPANY, relating
 to certain track crossings in the City and
 County of San Francisco, State of California.

ORIGINAL

Application No. 17956.

BY THE COMMISSION:

O R D E R

The Market Street Railway Company, a corporation, and
 The Western Pacific Railroad Company, a corporation, having on
 February 10, 1932, filed an application and on May 7, 1932, filed
 an amended application, praying for an order of this Commission
 approving and authorizing the use of a certain crossing construc-
 ted and placed in operation on December 27, 1921, and more par-
 ticularly described hereinafter, and also praying for an order
 of this Commission approving an agreement dated May 5, 1932,
 relating to the maintenance, operation and the safeguarding of
 train and car movements over the said crossing and setting forth
 certain conditions as to liability, etc., and it appearing to the
 Commission that this is not a case in which a public hearing is
 necessary, that the crossing in question has been in operation
 since December 27, 1921, and that it is not reasonable or prac-
 ticable to order a separation of grades or the installation of an
 interlocking plant at the location of the said crossing and that
 this application should be granted subject to the conditions

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hereinafter specified,

IT IS HEREBY ORDERED that the agreement made and entered into on the 5th day of May, 1932, by and between Market Street Railway Company, a corporation, first party, and The Western Pacific Railroad Company, a corporation, second party, in relation to the maintenance and operation of the crossing hereinafter described be and it is hereby approved.

IT IS HEREBY FURTHER ORDERED that permission be and it is hereby granted that the Market Street Railway Company and The Western Pacific Railroad Company continue in operation a crossing at grade located at Third and Army Streets in the City and County of San Francisco where a spur track of The Western Pacific Railroad Company located at a point 83.75 feet south of the north property line of Army Street in said City and County as shown by yellow lines on the map of The Western Pacific Railroad Company marked C. E. 60 32-F-4 dated July 1931, marked Exhibit "A" and attached to the aforementioned application; crosses the double track street railway lines of the Market Street Railway situated on Third Street.

IT IS HEREBY FURTHER ORDERED that the authorization herein granted for the continued operation of said crossing is made contingent upon the maintenance in effect of the agreement hereinbefore approved, and

IT IS HEREBY FURTHER ORDERED that 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, public convenience

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and necessity demand such action.

Dated at San Francisco, California, this 16th
day of May, 1952.

O. J. Levey
Leon Switzer
W. J. Conroy
M. B. Hayes
Fred G. Stewart
(Commissioners)