

Decision No. 33227

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of SOUTHERN PACIFIC COMPANY, a corporation, and THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation, for an order authorizing the construction of a crossover track at grade across Illinois Street and 25th Street; an industrial spur track at grade across Illinois Street and 25th Street and across an industrial spur track operated by petitioners and the freight lead track of The Western Pacific Railroad Company; and two industrial spur tracks at grade across the Indiana Street freight lead track of The Atchison, Topeka and Santa Fe Railway Company and across 26th Street, in the City and County of San Francisco, State of California.

Application No. 23504

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company have applied for authority to construct certain crossings at grade with unimproved streets and with tracks of The Western Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company in the vicinity of 25th and Illinois Streets in the City and County of San Francisco.

The tracks to be constructed are jointly owned by Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company and the tracks of The Western Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company are lead tracks into industrial districts.

The City and County of San Francisco have granted permission for the crossings with public streets and The Western Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company have consented to the proposed crossings with their respective tracks.

Good Cause Appearing, IT IS HEREBY ORDERED that Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company are authorized to construct a crossover track at grade across Illinois Street and 25th Street, an industrial spur track at grade

across Illinois Street and 25th Street and two industrial spur tracks at grade across 26th Street in the vicinity of Illinois Street all as described in the application.

Applicants shall bear entire construction and maintenance expense and said crossing shall be so constructed that grades of approach conforming approximately with the official street grades shall be feasible in the event Illinois Street, 25th Street, or 26th Street is later improved and opened to traffic at the point of crossing. This order shall not be deemed as authorization for the opening of said streets to public use across said tracks.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company are authorized to construct an industrial spur track at grade across a lead track of The Western Pacific Railroad Company and two industrial spur tracks at grade across the lead track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of 25th and Illinois Streets as set forth in the application subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the said crossings, including protective devices therefor, in good and first-class condition for safe and convenient railway use, shall be borne by applicants.
- (2) All trains, motors, engines and cars of applicants and of The Western Pacific Railroad Company shall stop before proceeding across said crossings and shall not pass thereover until a member of the train crew or other competent employee has gone upon the crossing and has ascertained that no cars or trains are approaching from either direction upon the conflicting route within a distance and at a speed which will in any way render them liable to conflict with the movement about to be made over the crossing following which said employees must give a suitable signal to proceed.

- (3) Before commencement of operation over said crossings each carrier concerned will file with the Commission copies of their respective operating bulletins providing for a method of operation which will be in full compliance with the Condition (2) as outlined above.
- (4) Within one-hundred and twenty days (120) from the date of this order applicants shall file with the Commission certified copies of agreements between applicants and The Western Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company covering the terms of construction, operation, maintenance and protection of said crossings, which agreements shall in effect incorporate the provisions of this order relating to said construction, operation, maintenance and protection.

Within thirty days after completion pursuant to this order, applicants shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

This order shall be effective immediately.

Dated at San Francisco, California, this 18<sup>th</sup> day of

June, 1940.

Ray L. Rice  
Frank Smith  
Rafaela R. R. R.  
W. H. H.  
Commissioners