

ORIGINAL

Decision No. 37492

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
THE WESTERN PACIFIC RAILROAD COMPANY)
for permission to construct, maintain)
and operate a spur track at grade across)
Barneveld Avenue and Upton Street and a)
spur track of the Southern Pacific Com-)
pany, and a spur track at grade across)
Upton Street in the City and County of)
San Francisco, State of California.)

Application No. 25615

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company is authorized to construct a spur track at grade across Barneveld Avenue and two spur tracks at grade across Upton Street in San Francisco, at the location described in the application. Said streets are not traveled at the respective points of crossing and this order shall not be construed as authorizing the opening of said streets across said tracks. Applicant shall bear entire construction and maintenance expense.

Applicant is also authorized to construct and operate a spur track at grade across a spur track of Southern Pacific Company near the intersection of Barneveld and McKinnon Avenues, San Francisco, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing in first-class condition for safe and convenient railway use shall be borne by the Western Pacific Railroad Company. The foregoing together with the method of safeguarding operation thereof and the allocation of other expenses which may be incurred in connection with the use of the crossing shall be agreed to in writing between the Western Pacific Railroad Company and the Southern Pacific Company and a certified copy of such agreement shall be filed with the Commission within six months after the date of this order.
- (2) In the use of the rail crossing herein authorized, all engines, cars or trains approaching the crossing on the tracks of the Western Pacific Railroad Company shall come to a stop not less than ten feet (10') nor more than fifty feet (50') from the nearest rail of the crossing, and shall not proceed thereafter until receiving an appropriate signal from a flagman or other qualified employee. Such a signal shall not

be given until it has been definitely ascertained that no engines, cars or trains are approaching from either direction on the conflicting route under conditions which will render it possible for an interference to occur with the movement about to be made over the crossing. All engines, cars or trains on the tracks of the Southern Pacific Company shall approach the crossing at a speed not greater than that from which a stop can be made before fouling the crossing in the event the crossing is occupied or about to be occupied by an engine, car or train on the conflicting route. Engines, cars or trains on the tracks of the Southern Pacific Company shall take precedence in the use of the crossing.

- (3) Operating bulletins issued by the Western Pacific Railroad Company and the Southern Pacific Company governing the use of the rail crossing herein authorized under the conditions herein outlined, shall be filed with the Commission on or before the date when operation over the crossing is commenced.
- (4) Unless further time for the maintenance and operation of such track crossing be granted by subsequent order of the Commission, the crossing shall be abolished six months after the end of the present war.

Within thirty days after completion pursuant to this order, applicant 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 21st day of November 1944.

Justus J. Coakley
Frank R. Havens
Frank R. Havens

Commissioners