

ORIGINAL

Decision No. 41323

BEFORE THE PUBLIC UTILITIES 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)
 Company, and a spur track at grade across)
 Upton Street in the City and County of)
 San Francisco, State of California.)

Application No. 25615
 (Petition for Elimination of
 Condition (4) in Decision
 No. 37492.)

JOHN E. HENNESSY, Attorney for applicant,
 E. J. FOULDS and R. S. MYERS, for Southern Pacific Company

O P I N I O N

In Decision No. 37492 in Application No. 25615 the Commission on November 21, 1944, authorized The Western Pacific Railroad Company to construct a spur track at grade across certain streets in San Francisco and also at grade across a spur track of Southern Pacific Company near the intersection of Barneveld and McKinnon Avenues. The track in question was to serve the Depot of the United States Marine Corps in the Islais Creek district and carried the provision (Condition No. 4) that the crossing with the Southern Pacific Company spur be abolished six months after the end of the present war.

The Western Pacific Railroad Company on November 25, 1947, filed its petition for elimination of this condition, alleging that the Marine Corps Depot was to be maintained on a permanent basis and that its needs required public continuance of service by The Western Pacific Railroad Company.

Southern Pacific Company informed the Commission that it was opposed to the continuation of the track crossing on a permanent basis and the matter was accordingly set for public hearing which was held in San Francisco on March 3, 1948.

At this hearing General A. E. Cressy, Depot Quartermaster, testified that in so far as he was informed the Islais Creek Depot was to be maintained on a permanent basis and that from a military standpoint it was desirable to have service into such a facility from as many railroads as possible. He also testified as to other advantages to the Marine Corps. Testimony was also

introduced by railroad witnesses outlining advantages in rates due to elimination of switching charges and the better service available because of elimination of necessity for interchange with other railroads.

After consideration of the record in this matter the Commission sees no reason why the track of The Western Pacific Railroad Company, serving the Marine Base, should not be established on as permanent a basis as that provided by Southern Pacific Company.

The request of applicant that Condition 4 of Decision No. 37492 be eliminated is reasonable and should be granted.

ORDER

Public hearing having been held on the above entitled petition for modification and the matter submitted;

IT IS HEREBY ORDERED that the Commission's Decision No. 37492, dated November 21, 1944, on Application No. 25615 is modified by the elimination of Condition 4 of said Decision.

In all other respects Decision No. 37492 is in full force and effect.

The effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 16th day of March, 1948.

R. F. Indiana
Justice F. Gallen
Frank Lowell
Harold Kula
Samuel Potter

COMMISSIONERS