

Decision No. 67277

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN PACIFIC COMPANY for an order)
authorizing construction at grade of)
industrial lead track across Bayshore)
Highway, in the Town of Bayshore,)
County of San Mateo, State of)
California.)

Application No. 26271
(Petition for Modification)

Commission investigation of the)
industrial lead track of Southern)
Pacific Company at grade across Old)
Bayshore Highway, in the County of)
San Mateo, State of California,)
being Crossing No. E-5.35-C.)

Case No. 6202
(Petition for Modification)

Randolph Karr and Harold Lentz, for Southern Pacific Company, applicant.
Edward Frank, for Daly City; Thomas M. O'Connor, City Attorney, and Robert R. Laughead, for City and County of San Francisco, interested parties.
Hugh M. Orr, for the Commission staff.

O P I N I O N

This petition of applicant was filed June 21, 1963 to modify Decision No. 57741 in Case No. 6202 and Application No. 26271.

Public hearing was held before Examiner Porter on December 3, 1963 and January 6, 1964 at San Francisco; on the latter date the matter was submitted subject to the filing of briefs. A brief having been filed, the matter is now ready for decision.

By Decision No. 57741, dated December 16, 1958, the Public Utilities Commission, as to Crossing No. E-5.35-C, ordered:

"4. That Southern Pacific Company, after the effective date hereof is authorized to use said crossing without restriction except that no trains or locomotives shall operate across Bayshore Highway between 11 p.m. and 9 a.m. and between 3 p.m. and 7 p.m. daily."

By the present petition applicant seeks to eliminate this restriction.

Evidence was presented to the effect that under the present restriction applicant is unable, within the time limit, to perform certain switching operations when two of the industries involved are working overtime. This generally occurs in the spring. There was also evidence to the effect that when freight cars arrive at applicant's switching yard late at night, cars cannot be put in place early in the morning hours before said industries start their work day. In opposition, it was shown that the residents of the neighborhood are opposed to changes in the restrictive hours and that the movement and spotting of railroad cars involve noise and traffic congestion.

The Commission finds that the needs of the industries at this time are not of such magnitude as to require the residents of the area to be subjected to the noise and congestion caused by the spotting of railroad cars other than during the hours presently prescribed for switching operations.

Based on these facts the Commission concludes that there is not at this time sufficient cause to modify Decision No. 57741.

O R D E R

IT IS ORDERED that the within petition for modification of Decision No. 57741 in Application No. 26271 and Case No. 6202 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9th day of May, 1964.

William A. Bennett
President
John S. Matthews
Carol O. Ross
George T. Brown
Fredrick B. Hallock
Commissioners