

**ORIGINAL**Decision No. 71682

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

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

Harold S. Lentz, for applicant.  
Thomas M. O'Connor, William Taylor and Robert R.  
Laughead, for City and County of San Francisco,  
 interested party.  
David R. Larrouy, for the Commission staff.

O P I N I O N

This petition was filed March 3, 1966 to modify Decision No. 57741 in Application No. 26271 and Case No. 6202.

Public hearing was held before Examiner Porter on September 15, 1966 at San Francisco, on which date the matter was submitted.

By Decision No. 57741, dated December 16, 1958, the 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."

A petition filed on June 21, 1963 requesting complete elimination of the restriction was denied by Decision No. 67277, dated May 26, 1964.

Petitioner now seeks modification permitting movements across Bayshore Highway during an additional one-hour period between 6 a.m. and 7 a.m.

Evidence was presented to the effect that under the present restriction applicant is unable, within the time limit, to spot late cars in the area, if the cars come in after authorized switching hours for the area. This puts a burden on the industries involved because they would like to have their cars in order to start working on them by 7 a.m.

In opposition, it was shown that residents of the neighborhood are opposed to the change in restrictive hours as the movement and spotting of railroad cars involve noise and disturb their sleep. A staff witness testified that he believed the delays in arrival of cars could have been avoided if the petitioner had been more diligent in watching for cars to be switched into the area.

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 caused by the spotting of railroad cars other than during the hours presently prescribed for switching operations.

Based on the foregoing finding the Commission concludes that there is not sufficient cause to modify Decision No. 57741.

ORDER

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

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

Dated at San Francisco, California, this 13<sup>th</sup> day of DECEMBER, 1966.

[Signature]  
President

[Signature]

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Commissioners