

ORIGINAL

Decision No. 76269

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN PACIFIC COMPANY for an order )  
 authorizing the construction at grade )  
 of two industrial drill tracks across )  
 Seventh Street in Union City, County )  
 of Alameda, State of California. )

Application No. 49365  
 (Filed May 11, 1967)

Randolph Karr, for Southern Pacific Company,  
 applicant.  
Anthony J. Garcia, for City of Union City,  
 interested party.  
Richard O. Collins, for the Commission staff.

O P I N I O N

By this application, Southern Pacific Company requests authority to construct, maintain and operate two drill tracks at grade across Seventh Street, between Decoto and Daggett Avenues in Union City.

Public hearing was held before Examiner Power at San Francisco on September 26, 1968 at which time the matter was continued to a date to be set so that interested parties could confer in an attempt to resolve their differences.

The record shows that the two crossings are located at mileposts 27.12 and 27.13. The two tracks have been in place and one of them has been in use since 1965. That portion of Seventh Street which the two drill tracks cross did not become a public street until 1967. The crossing located at milepost 27.12 is not connected to any track north of Seventh Street, is not used and there is no crossing protection of any kind. The crossing located at milepost 27.13 serves the Trammeli Crow property and is protected

by two Standard No. 1 reflectorized crossing signs. It was stipulated that the said protection is adequate for existing and future foreseeable traffic.

Exhibit No. 12 is a copy of Resolution No. 585-A-66 adopted on July 11, 1966 by the City Council of Union City. The resolution contains, among other provisions, the following:

"1. That in the event the Public Utilities Commission of the State of California requires flashing lights, signals and such additional crossing protection for vehicular traffic as they deem adequate for the safety of motorists and that the Southern Pacific Railroad Company, a corporation, pay for all costs of installation and maintenance of signals required initially or in the future whether pursuant to order of the Public Utilities Commission, the City of Union City or request of Southern Pacific Company, a corporation."

\* \* \*

"3. That in the event Seventh Street, as shown on the map attached hereto is improved, altered, or widened, the cost of relocation of the drill and spur tracks, signals or other safety devices shall be that of the Southern Pacific Railroad Company, a corporation, and borne at their sole expense."

- By letter dated June 25, 1968 the City of Union City advised that, in view of the stipulation concerning the adequacy of the present crossing protection, it withdraws its objection to the granting of the application without resolution of the question of the cost. In view of this the Commission will not pass upon the issue raised in the resolution adopted July 11, 1966 by the City of Union City (Exhibit 12).

After consideration the Commission finds that:

1. The railroad crossings located at mileposts 27.12 and 27.13 have been in place since 1965.
2. The crossing located at milepost 27.12 is not connected to any tracks north of Seventh Street, does not have any protection, has not been and is not being used and further there is no indication of use in the near future.

3. The crossing located at milepost 27.13 is presently being used to serve the Trammell Crow property and is protected by two Standard No. 1 reflectorized crossing signs.

4. Neither the railroad crossings of Seventh Street nor the crossings of the railroad by Seventh Street have been authorized by the Commission.

5. Southern Pacific Company should file an appropriate application when it contemplates operations over the crossing located at milepost 27.12.

Based on the above findings the Commission concludes that:

1. Southern Pacific Company should be authorized to continue in effect the crossing of the drill track located at milepost 27.13.

2. The existing protection at the crossing located at milepost 27.13 is adequate for existing and future foreseeable traffic.

3. That portion of the application requesting authority to construct a crossing at milepost 27.12 should be dismissed.

#### O R D E R

IT IS ORDERED that:

1. The Southern Pacific Company is authorized to continue in effect its drill track crossing of Seventh Street, in the City of Union City in Alameda County at the location described in the application to be identified as Crossing No. D-27.13C, provided said crossing is equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width to conform to the portion of the street now graded, with tops of rails flush with the roadway with grades of approach not exceeding two percent and with two Standard No. 1 signs (G.O. 75-B) reflectorized with reflex material.

2. That portion of the application pertaining to the crossing designated as D-27.12C is dismissed.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of OCTOBER, 1969.

William J. ...  
President

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Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.