

ORIGINAL

Decision No. 78095

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC TRANSPORTATION)
 COMPANY for an order authorizing)
 the construction at grade of an)
 industrial spur track in, upon and)
 across Alvarado Street in the City)
 of San Leandro, County of Alameda,)
 State of California.)

Application No. 51990
 (Filed June 24, 1970)

Charles G. Simonian, Attorney at Law, for Levitz
 Furniture Company; Harold S. Lentz, Attorney
 at Law, for Southern Pacific Transportation
 Company, applicants.

John B. Engberg, Jerry E. Flory, and Nancy L.
Cole, for Floresta Home Owners Association,
 protestant.

Glenn A. Forbes, Attorney at Law, for City of
 San Leandro, interested party.

M. E. Getchel, for the Commission staff.

OPINION AND ORDER

By this application Southern Pacific Transportation Company seeks authority for the construction at grade of an industrial spur track in, upon and across Alvarado Street in the City of San Leandro, County of Alameda, State of California.

Public hearing was held before Examiner Porter in San Leandro October 23, 1970 at which time the matter was submitted.

Evidence was presented that the City of San Leandro has considered and acted upon matters involved in the proposed use of property at 3199 Alvarado Street, San Leandro, California, by Levitz Furniture Company, for purposes of warehousing and retail sales and in conjunction with and accessory to the use and the construction of the proposed spur track crossing Alvarado Street. The City of San Leandro has approved the use of the property and the construction of the spur track.

Interested parties living in the area or using the crossing appeared in opposition to the proposed spur track citing safety and ecology reasons in opposition to the proposed spur.

The Levitz Furniture Company presented evidence as to the economic benefit that would be sustained by the construction and use of a spur track at their place of business.

The City of San Leandro has entered into agreement with Southern Pacific Transportation Company and Levitz Furniture Company as to the hours of movement of rail cars and the type of traffic protection to be provided at the crossing. ✓

Discussion

While the Public Utilities Commission has jurisdiction in this matter the problems presented are of a local nature. The City of San Leandro has seen fit to grant Southern Pacific Transportation Company and Levitz Furniture Company the right to construct a spur track on Alvarado Street. Levitz Furniture Company will pay for construction.

The industry needs and desires the spur.

The Commission, while cognizant of the local residents' feeling, believes that any restriction upon the construction and use of this spur track should be resolved between the residents of the area and the City of San Leandro.

Based on the aforementioned facts the Commission finds that the proposed spur track will not be adverse to the public interest and concludes that public convenience and necessity require that the spur track be built. ✓

IT IS ORDERED that Southern Pacific Transportation Company is hereby authorized to construct a spur track at grade across

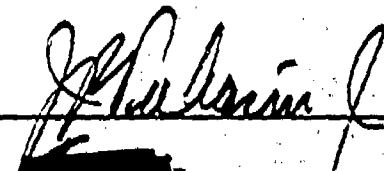
Alvarado Street in San Leandro, Alameda County, at the location described in the application, to be identified as Crossing No. D-16.6-C. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width to conform to the portion of the street now graded, with tops of rails flush with the roadway and with grades of approach not exceeding two percent. Protection shall be by two Standard No. 8 crossing signals (General Order No. 75-B) supplemented with automatic gate arms. Applicant shall bear entire construction and maintenance expense.

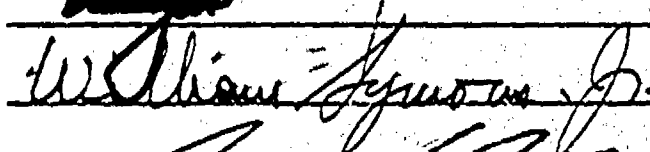
Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

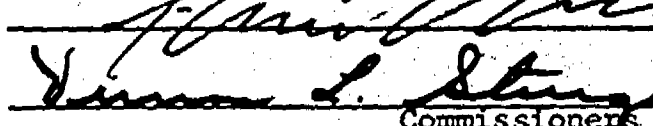
No train, engine or car shall be operated over said crossing between the hours of 4 p.m. and 9 a.m. of any weekday and shall not be operated over said crossing at any time during any Saturday, Sunday or legal holiday.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of DECEMBER, 1970.



Chairman


William J. Lyons, Jr.


Commissioners