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ORIGINAL

Decision No. 11748.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of The Western Pacific Railroad)
Company for permission to construct)
a spur track at grade across Bryant) Application No. 8733.
Street and at grade across the tracks)
of Market Street Railway Company sit-)
uated thereon, in the City and County)
of San Francisco, State of California.)

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, having on February 28, 1923, filed with the Commission an application for permission to construct a spur track at grade across Bryant Street and at grade across the tracks of Market Street Railway Company situated thereon, in the City and County of San Francisco, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary permit (Ordinance No. 4303 New Series) has been granted by the Board of Supervisors of said City and County of San Francisco for the construction of said crossings at grade; that Market Street Railway Company has indicated, by agreement, a copy of which is attached to the application and marked "Exhibit C", that it has no objection to the construction,

operation and maintenance of said track at grade across its tracks; and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Bryant Street and the tracks of Market Street Railway Company situated in said Bryant Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track at grade across Bryant Street in the City and County of San Francisco, State of California, described as follows:

Beginning at a point in the center line of The Western Pacific Railroad Company's team track No. 16, in Block 419, in the City and County of San Francisco, California, about 130 feet southeasterly of the southeasterly line of Bryant Street; thence diverging on a curve to the right about 80 feet; thence on a curve to the left about 80 feet, crossing the southeasterly line of Bryant Street approximately 235 feet northeasterly of the northeasterly line of Ninth Street; thence in a northwesterly direction, crossing the tracks of the Market Street Railway and the Northwesterly line of Bryant Street approximately 237 feet from the northeasterly line of Ninth Street; thence continuing in a northwesterly direction, parallel with said northeasterly line of Ninth Street and distant approximately 237 feet therefrom; and terminating at a point on the southeasterly line of McLee Court in Block 418, in said City and County of San Francisco, about 380 feet from the point of beginning.

All of the above as shown by the map (Exhibit "A") attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to those portions of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to maintain and operate its above described spur track at grade across the tracks of Market Street Railway Company in Bryant Street, in the City and County of San Francisco, as shown by the map (Exhibit "A") attached to the application, subject to the following conditions:

(1) The entire expense of constructing and maintaining the crossing in a good and first-class condition shall be borne by applicant.

(2) No engine, car or train of applicant shall be operated over said crossing without first having been brought to a stop and shall not proceed thereover until it shall have been found that it is safe so to do.

(3) Applicant shall, within thirty days (30) thereafter,

notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 6th day of March, 1923.

C. Seamy

Dwight Mattson

J. H. Whitney
Commissioners.