

Decision No. 13724

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construction
at grade of a spur track across
Bryant Street and across the tracks
of the Market Street Railway Company
at Fifth and Bryant Streets, in the
City and County of San Francisco,
State of California.

Application No 10101

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 22nd day of May, 1924, asking for authority to construct a spur track at grade across Bryant Street and at grade across the tracks of the Market Street Railway Company at Fifth and Bryant Streets, in the City of San Francisco, County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit (No. 6212, New Series) has been granted by the Board of Supervisors of said City for the construction of said crossing at grade and the Market Street Railway Company has signified by letter that it has no objection to the construction of the crossing of its tracks at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide separated grade crossings at the points mentioned in this application, or to avoid grade crossings with said street and street railway tracks, and that this application should be granted subject to the conditions hereinafter specified.

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

Commencing at a point in Fifth Street, said point being distant 23.00 feet measured at right angles westerly from the easterly line of Fifth Street and 275.00 feet more or less southerly from the southerly line of Bryant Street; said point also being the terminus of track permit, granted by Ordinance No. 5847 (New Series) and adopted by the Board of Supervisors of the City and County of San Francisco, April 9, 1923, the point of beginning of the line to be described; thence northerly parallel to and 23.00 feet westerly from the easterly line of Fifth Street, crossing Bryant Street and Perry Street, if produced southerly, a distance of 907.5 feet more or less to a point in the southerly line of Harrison Street, the end of line.

All of the above as shown by the map (Coast Division, Drawing 15221) attached to the application; said crossing 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 that portion 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 suitable crossing signs 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) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct its spur track at grade across the tracks of the Market Street Railway Company at Fifth and Bryant Streets, in the City and County of San Francisco, State of California, as shown by the map attached to the application and hereinbefore mentioned, said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter, shall be borne by applicant.

(2) All trains, engines or cars of applicant shall stop before going upon or over said crossings and shall not proceed thereon until it has been ascertained that it is safe to do so.

(3) No trains, engine, motor or car shall be operated over said crossing except between the hours of 8 P.M. and 6 A.M.

(4) Applicant shall, within sixty (60) days from the date of this order file with the Commission duly executed copy or copies of agreement or agreements with said Market Street Railway Company covering the installation, maintenance and operation of said crossings.

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.

This order shall become effective two (2) days after the making thereof.

Dated at San Francisco, California, this 20th
day of June, 1924.

O. L. Seaver

Jarvis Masten
Egerton Shore

Commissioners.