

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The Western Pacific Railroad Company
for permission to construct a spur
track at grade across Seventeenth
Street, and a portion of De Haro Street,
Public Streets in the City and County
of San Francisco, State of California.)

Application No. 10426.

BY THE COMMISSION:

ORIGINAL

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 27th day of August, 1924, asking for authority to construct a spur track at grade across Seventeenth Street and De Haro Street, and filed an amendment to the above entitled application on the 30th day of August, 1924, asking for authority to construct said spur track at grade across the double track street car line of Markey Street Railway in Seventeenth Street at De Haro Street, in the City and County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 6325 N.S.) has been granted by the Board of Supervisors of said City for the construction of said crossings at grade, and Market Street Railway Company has signified by letter that it has no objection to the construction of said crossing over its tracks at grade, and 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 Seventeenth and De Haro Streets and said railroad tracks and that this application should be granted subject to the condi-

tions hereinafter specified.

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

Beginning at a point in the center line of The Western Pacific Railroad Company's main line of railroad in Block 173, in the City of San Francisco, State of California; said point being approximately 85.0 feet southeasterly, measured along said center line from the East line of De Haro Street; thence in a northerly direction with switch and turn-out to the right approximately 70.0 feet; thence continuing on a curve to the right approximately 129.0 feet to a point, crossing the southerly line of Seventeenth Street approximately 4.0 feet Easterly of the East line of said De Haro Street, and the North line of said Seventeenth Street approximately 8-1/2 feet Westerly of the East line of said De Haro Street; thence continuing Northerly on a reverse curve to the left approximately 15.0 feet, to a point distant approximately 8-1/2 feet Westerly of the East line of said De Haro Street; thence Northerly, approximately 8-1/2 feet from and parallel with the East line of said De Haro Street, approximately 348.0 feet to the South line of Sixteenth Street; said point being distant approximately 562.0 feet from the point of beginning;

subject, however, to the following conditions:

All of the above as shown by the map (C.E. 1015) attached to the application; 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 in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.
- (2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets 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 crossings.

(4) If said crossings 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 and authority be and it is hereby granted Western Pacific Railroad Company to construct a spur track at grade across the double track street railway line of Market Street Railway Company at the intersection of Seventeenth Street and De Haro Street, in the City and County of San Francisco, State of California, at a location as shown by the map (C.E. 1015) attached to the application, 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 in good and first-class condition shall be borne by applicant.

(2) All trains, motors, engines of applicant, shall stop before crossing the tracks of Market Street Railway Company and shall not proceed thereover until it has been ascertained that it is safe to do so.

(3) All trains, motors, engines or cars of Market Street Railway Company shall stop before crossing the track of applicant and shall not proceed thereover until it has been ascertained that it is safe to do so.

(4) Applicant shall within sixty (60) days of 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 terms of installation and maintenance of said crossings and operation thereover.

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

(6) If said crossings 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.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 three (3) days after the making thereof.

DATED at San Francisco, California, this 12th day of September, 1924.

Cl. Seaver

Egerton Shore

J. H. Whitting
COMMISSIONERS.