

Decision No. 14930

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of The Western Pacific Railroad
Company for permission to con-
struct a spur track at grade across
Missouri and Army Streets, public
streets in the City and County of
San Francisco, State of California,
and across the track of the Market
Street Railway Company situated on
said Army Street.

Application No. 11066.

BY THE COMMISSION:

O R D E R

ORIGINAL

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 5th day of May, 1925, asking for authority to construct a spur track at grade across Missouri Street and Army Street and at grade across the track of the Market Street Railway in Army Street, in the City and County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 6610, New Series) has been granted by the Board of Supervisors of said City and County for the construction of said street crossings at grade. The Market Street Railway Company has signified by letter that it approves form of agreement attached to application and covering the crossing of its track. 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said streets and street railway tracks, and that this application should be granted subject to the conditions hereinafter specified,

17.5m.
road
THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct a spur track at grade across Missouri Street and Army Street, in the City and County of San Francisco, State of California. Said spur track is described as follows, to-wit:

Beginning at point of switch in the center line of track of The Western Pacific Railroad Company (formerly known as the "Ocean Shore Railroad") distant easterly thereon approximately 140.0 feet from the westerly line of Mississippi Street, extended southerly; thence in a northwesterly direction with switch and turnout to the right approximately 70.0 feet; thence in a northwesterly direction approximately 270.0 feet to the beginning of curve, crossing the southerly line of Army Street approximately 100.0 feet westerly of said westerly line of Mississippi Street extended southerly; thence continuing northwesterly on a curve to the right approximately 155.0 feet to a point, crossing the northerly line of said Army Street approximately 148.0 feet easterly of the easterly line of Missouri Street; thence continuing in a northwesterly direction on a curve to the left approximately 320.0 feet to a point of junction with the existing track, crossing the easterly line of Missouri Street approximately 120.0 feet northerly of the northerly line of said Army Street also crossing the westerly line of said Missouri Street approximately 143.0 feet northerly of the northerly line of said Army Street.

and as shown by the map (Exhibit "A"; Proposed spur to serve E.W. L. Soule Co.) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings of Army and Missouri Streets 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 tops of rails flush with the pavement of Army Street and with the roadway of Missouri Street, and with grades of approach not exceeding four (4) per cent on Army Street and one (1)

per cent on Missouri Street; 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) No train, engine, motor or car shall be operated over said crossing of Army Street unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) No locomotive, train or car shall be operated by The Western Pacific Railroad Company over said Army Street crossing except between the hours of 7:00 P.M. and 6:00 A.M.

(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.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track across the track of the Market Street Railway Company in Army Street near the westerly line of Texas Street produced, in the City and County of San Francisco, State of California, as shown by the map (Exhibit "A") attached to the application; said crossing to be constructed subject to the following conditions:

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

(2) All trains, motors, engines and cars of applicant shall stop before crossing the track of Market Street Railway

Company, and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain that it is safe so to do and shall have given a suitable signal to proceed.

(3) Between the hours of 7:00 P. M. and 6:00 A. M. all trains, motors or cars of Market Street Railway Company shall stop before going upon said crossing 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 a duly executed copy or copies of agreement or agreements with said Market Street Railway Company covering the terms of installation, operation and maintenance of said crossing.

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

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall lapse and become void 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 crossings of Missouri and Army Streets and of the track of the Market Street Railway Company in Army Street, 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 14th day of May, 1925.

H. B. Brundage

C. A. Seaver

E. M. Edwards

Commissioners.