

Decision No. 15238

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)
Fifth and Brannan Streets, and)
across the track of the Market Street)
Railway Company in Brannan Street, in)
the City and County of San Francisco,)
State of California.)

Application No. 11481.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 24th day of July, 1925, asking for authority to construct a spur track at grade across Fifth Street, Brannan Street and the track of Market Street Railway Company in Brannan Street near Fifth, in the City and County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 6668 N.S.) has been granted by the Board of Supervisors of said City and County for the construction of said crossings at grade and Market Street Railway Company has no objection to the crossing of its track 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Fifth Street, Brannan Street and the track of Market Street Railway Company in Brannan Street and that this application should be granted subject to the

conditions hereinafter specified, therefore,

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

Beginning at a point on the center line of the existing track on Fifth Street, said point being 246 feet southerly from the southerly line of Brannan Street produced, and 23 feet easterly, measured at right angles, from the westerly line of Fifth Street; thence in a northerly direction for a distance of 155 feet, more or less, to a point on the easterly side of Fifth Street, said point being 98 feet, more or less, southerly from the southerly line of Brannan Street produced and 23 feet westerly, measured at right angles from the easterly line of Fifth Street; thence in a northerly direction, parallel to and 23 feet distant from the easterly line of Fifth Street, for a distance of 79 feet, more or less, to a point on the center line of the existing track.

Also

Beginning at a point in Fifth Street, said point being 98 feet, more or less, measured southerly from the southerly line of Brannan Street produced, and 23 feet westerly, measured at right angles from the easterly line of Fifth Street; thence in a westerly direction on a curve concave to the left, crossing the intersection of Fifth and Brannan Streets, for a distance of 256 feet, more or less, to a point 120 feet, more or less, measured in a westerly direction from the westerly line of Fifth Street, and 8.5 feet southerly, measured at right angles, from the northerly line of Brannan Street; thence westerly parallel to and 8.5 feet distant from the northerly line of Brannan Street, for a distance of 52 feet, more or less, to the end of track.

and as shown by the map (Coast Division Drawing 15431) 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 tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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.

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 track of Market Street Railway Company in Brannan Street at a point ten feet southwest of the southwesterly line of Fifth Street and 36 feet northwest of the southeasterly line of Brannan Street, in the City and County of San Francisco, State of California, and as shown by the map (hereinbefore described) 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, shall be borne by applicant.

(2) All trains, engines or cars of applicant shall stop before going upon or over said crossing 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 crossing.

IT IS HEREBY FURTHER ORDERED, that

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

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

(2) 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.

(3) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 31st day of July, 1925.

H. B. Bond

George D. Squires

Leon Whitell

Commissioners.