

Decision No. 16320.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of the Western Pacific Railroad
Company for permission to Con-
struct Six Spur Tracks at grade
across certain public streets
in the City and County of San
Francisco, State of California,
and across the tracks of the Market
Street Railway Company, situated on
certain of said streets.

Application No. 12401.

C. W. Dooling, for The Western Pacific
Railroad Company
F. E. Davis, for Joint Pole Association.

WEITSELL, COMMISSIONER:

O P I N I O N

This is an application by The Western Pacific Railroad Company for permission to construct spur tracks at grade across several streets in the City and County of San Francisco and also across the tracks of The Market Street Railway Company situated in certain of these streets.

A public hearing was held at San Francisco on March 17th, 1926.

The purpose of the proposed tracks is to extend spur track service into certain blocks in the territory that may be generally described as extending from Brannan to Folsom Streets between Ninth and Sixth Streets, which though well suited for industrial purposes, has not at present the convenience afforded by industrial spurs. Briefly, the proposed trackage consists of two "leads", one extending northwesterly three blocks along Ninth Street from Brannan to Folsom Street with a spur into Harrison Street and another "lead" along the southerly side of Brannan Street to Sixth Street, from which spurs leading northerly into the territory north of Brannan Street are to be constructed. The Market Street Railway Company

maintain street car tracks in Ninth Street, Brannan Street, Bryant Street and Harrison Street and at the several points where the proposed spur tracks cross these streets, crossings with the street railway tracks will be required. Market Street Railway Company has given its consent to these crossings, as evidenced by the copy of the agreement attached to the application.

A more detailed description of the various crossings is as follows:

TRACK NO. 1.

Across 7th Street, Gilbert Street, Boardman Place, and Harriett Street;

TRACK NO. 2.

Across a portion of 9th Street, and across Brannan Street, Bryant Street and Harrison Street, and across the tracks of the Market Street Railway Company situated on said Bryant and Harrison Streets;

TRACK NO. 3.

Across a portion of 9th Street, and a portion of Harrison Street, and across the tracks of the Market Street Railway Company situated on said 9th and Harrison Streets;

TRACK NO. 4.

Across Bryant Street, and a portion of Brannan Street, and a portion of Langton Street, and across the tracks of the Market Street Railway Company located on said Bryant Street, and across the track of the Market Street Railway Company located on said Brannan Street;

TRACK NO. 5.

Across a portion of Brannan Street and a portion of Gilbert Street, and across the track of the Market Street Railway Company located on said Brannan Street;

TRACK NO. 6.

Across a portion of Brannan Street and a portion of Harriet Street, and across the track of the Market Street Railway Company located on said Brannan Street.

The Board of Supervisors of the City and County of San Francisco have granted a revocable permit (Ordinance No. 6862 N.S.) to construct, maintain and operate the spur tracks in question, this permit containing a clause providing for joint use and ownership of the tracks by any other carrier or carriers upon payment to The Western Pacific Railroad of proper compensation. Since the effect of such joint use and ownership is to avoid a multiplicity of track crossings over congested city streets, it is recommended that the order of this Commission, granting this present application, also contain such a condition.

At least one of the streets over which permission to cross is requested, is of more than ordinary importance as a vehicular artery. The southwesterly terminus of Brannan Street is situated almost directly opposite the northerly end of Potrero Avenue, the latter being a very important arterial street through the Potrero district and one of the chief tributaries of the Bay Shore route out of the City. As a result of this, Brannan Street carries a heavy traffic, estimated at about 6,000 vehicles per day. At present a great deal of this traffic is strictly commercial, occurring during business hours only, but with the completion of the new Bay Shore Highway the amount of through and night traffic using this street and also Bryant Street can be expected to increase and it may be that increased protection and restrictions as to hours of switching, which are not at present warranted, will at that time become necessary.

It appears from the record in this proceeding that there is a public necessity for these track crossings and grade separations do not appear to be economically justified at this time. The application therefore should be granted but with the clear understanding on the part of the carrier that the protection herein recommended

and the omission from the present order of any restrictions as to hours of use are temporary privileges only, and that when changes occur in the volume and type of vehicular traffic using these streets, which by reason of the construction of a new main peninsular highway now appear imminent, further orders of this Commission, regarding not only these crossings but also other crossings of applicant's tracks in the vicinity, can be expected.

The following form of order is recommended:

O R D E R

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct spur tracks at grade across certain streets as hereinafter set forth, in the City and County of San Francisco, State of California, as follows:

TRACK NO. 1:

Beginning at a point in the center line of The Western Pacific Railroad Company's existing track on Brannan Street, said point being approximately 320 feet easterly from the easterly line of Eighth Street and approximately 22.6 feet northerly from the southerly line of said Brannan Street; thence on a tangent in a general easterly direction approximately 22.6 feet from and parallel with said southerly line of Brannan Street for a distance of approximately 50 feet; thence on a curve to the right having a radius of 573.68 feet for a distance of approximately 50 feet; thence on a curve to the left having a radius of 573.68 feet for a distance of approximately 50 feet to a point 18.5 feet northerly from the said southerly line of Brannan Street; thence in a general easterly direction 18.5 feet northerly from and parallel with said southerly line of Brannan Street for a distance of approximately 1262 feet, crossing Seventh Street, Gilbert Street and Harriet Street to the westerly line of Sixth Street.

TRACK NO. 2:

Beginning at a point in the center line of The Western Pacific Railroad Company's existing track on Ninth Street, said point being at or near the easterly line of Ninth Street and approximately 100 feet southerly thereon from the southerly line of Brannan Street; thence in a general northerly direction with turnout to the right approximately

55 feet; thence on a curve to the right having a radius of 477.68 feet for a distance of approximately 185.0 feet to a point approximately 23 feet easterly from the westerly line of Ninth Street, crossing the southerly line of Brannan Street approximately 40 feet easterly from the westerly line of said Ninth Street and crossing the northerly line of Brannan Street approximately 24 feet easterly from the westerly line of said Ninth Street; thence in a northerly direction on a tangent to said last mentioned curve approximately 23 feet easterly from and parallel with said westerly line of Ninth Street for a distance of approximately 1770 feet, crossing Bryant Street and Harrison Street to the southerly line of Folsom Street.

TRACK NO. 3:

Beginning at a point on Ninth Street, said point being in the center line of the above described Track No. 2 and being distant approximately 23 feet easterly from the westerly line of said Ninth Street and 135.0 feet southerly from the southerly line of Harrison Street; thence in a general northerly direction with turnout to the right approximately 55 feet; thence on a curve to the right having a radius of 143.96 feet for a distance of approximately 189 feet; thence on a curve to the right having a radius of 250 feet for a distance of approximately 65 feet to a point approximately 23 feet southerly from the northerly line of Harrison Street and crossing the southerly line of Harrison Street approximately 25.0 feet westerly from the easterly line of said Ninth Street and crossing the easterly line of said Ninth Street produced approximately 25.0 feet northerly from the southerly line of said Harrison Street produced, thence in an easterly direction on a tangent to the last mentioned curve approximately 23 feet southerly from and parallel with said northerly line of Harrison Street for a distance of approximately 420 feet to the westerly line of Eighth Street.

TRACK NO. 4:

Beginning at a point on Brannan Street, said point being in the center line of the above described Track No. 1 and being approximately 18.5 feet northerly from the southerly line of Brannan Street and approximately 355 feet westerly from the westerly line of Seventh Street; thence in a general northerly direction with turnout to the left approximately 55 feet; thence on a curve to the left having a radius of 143.96 feet for a distance of approximately 207 feet to a point 10 feet westerly from the easterly line of Langton Street and its production southerly, crossing the northerly line of Brannan Street approximately 200 feet westerly from the westerly line of said Seventh Street; thence in a northerly direction 10 feet westerly from and parallel with the said easterly line of said Langton Street for a distance of approximately 1100 feet, crossing Bryant Street, to the southerly line of Harrison Street.

TRACK NO. 5:

Beginning at a point on Brannan Street in the center line of the above described Track No. 1, said point being approximately 5 feet westerly from the easterly line of

Seventh Street produced and approximately 18.5 feet northerly from the southerly line of Brannan Street; thence in a general northerly direction with turnout to the left approximately 55 feet; thence on a curve to the left having a radius of 143.96 feet for a distance of approximately 207 feet to a point 10 feet westerly from the easterly line of Gilbert Street and crossing the northerly line of Brannan Street produced approximately 158 feet easterly from the easterly line of Seventh Street and the westerly line of said Gilbert Street produced approximately 5 feet southerly from the northerly line of said Brannan Street; thence in a northerly direction 10 feet westerly from and parallel with said easterly line of said Gilbert Street for a distance of approximately 466 feet to the southerly line of Bryant Street.

TRACK NO. 6:

Beginning at a point on Brannan Street in the center line of the above described Track No. 1, said point being approximately 360 feet westerly from the westerly line of Sixth Street; thence in a general northerly direction with turnout to the left approximately 55 feet; thence on a curve to the left having a radius of 143.96 feet for a distance of approximately 207 feet to a point approximately 10 feet westerly from the easterly line of Harriet Street and crossing the northerly line of Brannan Street produced approximately 2 feet westerly from the westerly line of said Harriet Street, and crossing the westerly line of said Harriet Street approximately 3 feet northerly from the northerly line of said Brannan Street; thence in a northerly direction 10 feet westerly from and parallel with said easterly line of Harriet Street for a distance of approximately 466 feet to the southerly line of Bryant Street;

all as shown by the map (Exhibit A) attached to the application, said crossings to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and firstclass condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed substantially in accordance with Standard No. 4, as specified in General Order No. 72 of this Commission and shall be constructed of a width 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 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) No train, engine, motor or car shall be operated over said crossing unless under full control and unless traffic on said streets be protected by a member of the train crew or other competent employee acting as a flagman.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct spur tracks at grade across the tracks of Market Street Railway Company in Brannan Street, Bryant Street, Harrison Street and Ninth Street, in the City and County of San Francisco, State of California, as follows:

BRANNAN STREET: (Single track of Western Pacific with single track of Market Street Railway)

- A - Approximately 250 feet westerly of the westerly line of 7th St.
- B - Approximately 105 feet easterly of the easterly line of 7th St.
- C - Approximately 570 feet easterly of the easterly line of 7th St.

BRYANT STREET: (Single track Western Pacific with double track of Market Street Railway)

- D - Approximately 10 feet westerly of the easterly line of Langton.
- E - Approximately 23 feet easterly of the westerly line of Ninth.

HARRISON STREET: (Single track Western Pacific with double track of Market Street Railway)

- F - Approximately 23 feet easterly of westerly line of Ninth St.
- G - Approximately 30 feet easterly of easterly line of Ninth St.

NINTH STREET: (Single track Western Pacific with double track of Market Street Railway)

- H - Approximately 30 feet southerly of southerly line of Harrison St;

all as shown by the map (Exhibit A) attached to the application, said crossings to be constructed subject to the following conditions:

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

IT IS HEREBY FURTHER ORDERED, that:

(1) Applicant shall permit joint operation of the tracks which necessitate the crossings herein authorized by any other railroad owner or operator, or owners or operators under terms and conditions which meet the approval of this Commission.

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

(3) 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.

(4) 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.

For all other purposes, this Order shall become ef-

fective twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved
and ordered filed as the Opinion and Order of the Railroad
Commission of the State of California.

Dated at San Francisco, California, this 29th day
of March, 1926.

H. B. ...
C. ...
...
Leon ...

Commissioners.