

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THE WESTERN PACIFIC RAILROAD COMPANY)
to operate a spur track along Gilbert) Application No. 13681
Street in the City of San Francisco,)
with impaired clearance.)

Jas. S. Moore, Jr., for Applicant,
Harry See, State Legislative Representative, Brotherhood
Railroad Trainmen, Protestant,
G. F. Irvine, State Legislative Representative,
Brotherhood of Locomotive Fireman and Enginemen,
Protestant.

BY THE COMMISSION -

O P I N I O N

The Western Pacific Railroad Company, a corporation, has petitioned the Railroad Commission for an order authorizing said petitioner to conduct operation over a certain spur track located on the easterly side of Gilbert Street, between Bryant and Brannan Streets, in the City and County of San Francisco, certain structures adjacent to said spur track constituting an impairment of the standard clearance as prescribed by this Commission in its General Orders Nos. 26-a and 26-c.

A public hearing on this application was conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicant alleges, as justification for the granting of the application, that the spur track herein proposed to be operated with impaired clearance is located upon and along the easterly side of Gilbert Street, between Bryant and Brannan Streets, in the City and County of San Francisco; that said track was constructed in accordance with the authority granted by Ordinance No. 6862, New Series, of the Board of Supervisors of the City and County of San Francisco; that certain structures located on the easterly side of said Gilbert Street impair the horizontal and

vertical clearances as prescribed by the Commission's General Orders Nos. 26-a and 26-c; that the location of the spur track on said Gilbert Street is as prescribed in the permit granted by ordinance of the City and County of San Francisco and cannot reasonably be changed; and that the existing impaired clearance can reasonably be expected to be removed within a comparatively short time in that the property upon which the structures presenting impaired clearance is changing from a residential to an industrial character and the traffic now operated over the spur track is relatively light. Applicant further alleges, that in its opinion, the track can be safely operated by requiring its trainmen to work on the side of cars opposite the impaired clearances and by cautioning train and enginemen of the existence of said impaired clearances by bulletin.

E. P. Peterson, assistant engineer for applicant, testified that the spur track on Gilbert Street was a girder rail construction in a paved street, the track being located 10 feet from the property line as authorized by the city ordinance; that impaired clearance existed by reason of bay windows projecting from the second story of buildings located at No. 67 and 69 Gilbert Street and from the Gilbert Street side of the building located at No. 879 Bryant Street, the minimum distance of these obstructions from the center of the track being 7.1, 7.2 and 6.3 feet at heights of 9.1, 8.62 and 12.31 feet above the top of rail; that the spur track was constructed as a part of an installation of industrial track facilities to serve a proposed industrial district, the track having been finally completed during the present year; that the cost of constructing the track from the switch point in the Brannan Street lead to its terminus at the south line of Bryant Street was \$13,500; and that no cars have been placed on the track for industries nor are there industries now located adjacent to

the track which require service, Witness was of the opinion that the track could be safely operated by the issuance of bulletins to train and engine crews directing their attention to the impaired clearances and requiring trainmen to work on the street side of the track.

N. A. Wood, assistant engineer in the Commission's Transportation Division, testified regarding measurements taken of the impaired clearances, the most serious encroachment on the standard clearance being bay windows which at a height of 9 feet, 8 inches above the top of rail were but 6 feet, 6 inches from the center line of track.

The Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Firemen and Enginemen protest the granting of the application and through their representatives voiced their objection to the hazardous condition and the caring for same by bulletin order.

The standard clearances prescribed by the Commission in its General Order No.26-c, as approved March 28, 1927, and effective April 1, 1927, provides under Section 2, subdivision (a), Item 1, as follows:

"All structures, *****, minimum side clearance from center line of track, 8 feet, 6 inches,"

and under Section 2, subdivision (e) as follows:

"Minimum clearances authorized in this section are applicable only to tracks on which freight cars having a maximum overall width not greater than ten (10) feet, eight (8) inches are transported. On tracks over which freight cars of greater width are transported or proposed to be transported, such minimum side clearances shall be increased not less than one-half of such additional width."

From the record and exhibits herein, it appears that the minimum side clearance is but 6 feet, 6 inches from the center line of track or 2 feet less than the standard clearance for freight cars of a width of 10 feet, 8 inches, and that such clearance presents an unwarranted hazard of accident to train and enginemen operating over this spur track.

We are of the opinion and hereby find as a fact that the operation of the spur track of applicant on Gilbert Street, between Brannan and Bryant Streets in the City and County of San Francisco presents an unreasonable hazard of accident by reason of unauthorized impaired clearances and that said track should not be used for the operation of engines or cars until standard clearance will have been established in accordance with the following order.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that the application of The Western Pacific Railroad Company to operate a spur track along Gilbert Street in the City of San Francisco, with impaired clearance, be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that applicant, The Western Pacific Railroad Company, a corporation, be and the same hereby is directed to cease all operation of engines, cars or trains over the spur track known as the Gilbert Street spur, located on said Gilbert Street between Bryant and Brannan Streets in the City and County of San Francisco, and not to resume such operation until all side clearances on the easterly side of said Gilbert Street spur will have been corrected to conform to the standards prescribed in this Commission's General Order No. 26-C, as effective April 1st, 1927.

The Commission reserves the right to make such other and further orders in this proceeding as to it may appear just and

proper, or as may be necessary to eliminate hazard of accident
and insure safety of operation on said Gilbert Street spur.

Dated at San Francisco, California, this _____ day
of _____, 1927.

Ernesto

Albany

Leon Whelwell

Paul S. Kottel

Commissioners.