

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

.....  
SAN MATEO AND BURLINGAME  
MERCHANTS ASSOCIATION.  
.....

Complainant,

vs.

C A S E NO. 461.

SOUTHERN PACIFIC COMPANY, and  
SOUTHERN PACIFIC RAILROAD  
COMPANY,  
.....

Defendants.  
.....

A P P E A R A N C E S

J. E. McCurdy, for Complainant,  
H. C. Booth, for Defendant.

R A I L R O A D H E A R I N G

LOVELAND, Commissioner.

In this Case the San Mateo and Burlingame Merchants' Association complained that the present freight depot facilities at Burlingame are inadequate and not conveniently located for the shipping and receiving of freight, and petitioned this Commission for an Order requiring the Southern Pacific Company to erect a new structure more conveniently located and one that will furnish adequate facilities for freight shipments and receipts.

Inasmuch as defendant in this matter admitted through its witness, Mr. T. Ahern, its Division Superintendent, that the facilities presently afforded at Burlingame are inadequate and inefficient and that same are not located for the convenient use of the public by reason of the fact that access thereto for vehicular traffic must be had along defendants right-of-way, which is narrow, the contention of complainant as to the inadequacy, both of the facilities and their location, and which has been admitted by defendant, will not be

further considered here.

Defendant stated that it had been negotiating since 1907 to secure additional property at Burlingame on which to erect a freight depot that would be adequate, and advantageously located, but that no property which was suitable could be obtained on account of the owners of property, which defendant desired to purchase for said facilities, asking a price for same which defendant considered exorbitant.

Considerable testimony was given as to the advantages afforded at different places for the location and construction of a depot, and I am of the opinion and find as a fact from testimony introduced at the hearing by the complainant, and the admissions made by defendant, that the present facilities at Burlingame for the handling of freight are inadequate and that a new freight depot should be constructed at this place which will properly serve the patrons of defendant.

Counsel for defendant brought to the attention of the Commission the fact that the complaint was directed against the Southern Pacific Company and that the Southern Pacific Company owned no property at Burlingame, but that all property rights were vested in the Southern Pacific Railroad Company. On account of this complainant was advised to amend the complaint and make the Southern Pacific Railroad Company a party thereto, which was done, and consequently, in this case both the Southern Pacific Company and the Southern Pacific Railroad Company are defendants.

Defendant stated that its present right-of-way through Burlingame was not of sufficient width to locate thereon depot facilities that would be adequate, and inasmuch as it is necessary that defendant secure additional property for the construction of such facilities as are necessary, I am of the opinion that the choice of location for same should be decided by defendant, but that such choice should be submitted to this Commission for

approval, together with the plans of the depot structure.

The Commission realizes that a Public Utility Corporation is very often required to pay an exorbitant price for property when the exigencies of the corporation require a particular piece of land. Such a condition may be found to exist in this case for the reason that there are but few sites that are suitable for the location of the required freight depot facilities, and I am of the opinion that complainants should use all due diligence and effort in assisting defendants to secure a suitable site for the freight depot at a reasonable sum. If the Commission is reliably advised that defendants are asked to pay an amount for the required depot site that is unreasonable and exorbitant, without doubt the Commission will modify its order entered in this case.

I recommend the following form of order:

O R D E R

SAN MATEO AND BURLINGAME MERCHANTS ASSOCIATION, having on September 4, 1913, filed its complaint with this Commission, alleging the inadequate facilities afforded by the Southern Pacific Company, and as the complaint is amended, the Southern Pacific Railroad Company at Burlingame, San Mateo County, California, and also complaining of the disadvantageous location of said facilities, and the defendants herein having been duly notified of and furnished a copy of said complaint, and a public hearing having been had in the matter on November 19, 1913, at which all parties at interest were present and gave such testimony as was relevant, and the case having been duly submitted, and it appearing to the Commission that the complaint is well founded and that the facilities for the shipping and receiving of freight as presently exist at Burlingame are inadequate and inefficient and that same are not located to advantageously serve the patrons of

defendants who ship and receive freight at Burlingame, and who in shipping and receiving said freight have occasion to use said facilities;

IT IS HEREBY ORDERED: That defendants shall within 60 days from the service on them of this Order, present to this Commission for its approval plans and specifications for a freight depot, the dimensions of which shall be not less than 24' x 90', measured from out to out of base-plates, and shall have adequate side and platforms; and shall also file with this Commission, for its approval, a map or plat showing the location where said freight depot will be erected, and shall within 3 months after the approval by this Commission of such plans and location build on said property such freight depot as shall be approved by this Commission.

The Commission reserves the right to modify this Order if it shall appear upon reliable evidence that defendants are required to pay more than a reasonable price for the property on which to construct the depot.

IT IS FURTHER ORDERED: That said freight depot shall not be located and constructed at a distance greater than 1,300 feet from the center of the present passenger depot at Burlingame and shall be so located and constructed that ready access thereto may be had by motor trucks, wagons and other vehicular traffic.

The foregoing <sup>Opinion and</sup> Order is hereby approved and ordered filed as the <sup>Opinion and</sup> Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 11th day of December, 1913.

John W. Eckerman  
H. D. Boardman  
W. G. Gordon  
Edwin C. Edgerton