

ORIGINAL

Decision No. ✓

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

FOURTH STREET DISTRICT IMPROVEMENT CLUB,)

Complainant,)

vs)

SOUTHERN PACIFIC COMPANY,
a corporation,)

Defendant.)

CASE NO. 616.

.....)
E. D. Wilbur, for Fourth Street District Improvement Club,
E. J. Foulds, for Southern Pacific Company,
C. W. Durbrow, for Southern Pacific Company.

GORDON, Commissioner.

O P I N I O N

On June 9, 1914 the Fourth Street District Improvement Club of the City of San Francisco filed with this Commission its complaint, alleging in effect that according to its information the Southern Pacific Company, unless prevented, was about to construct a passenger depot at its terminal at Third and Townsend Streets, in the City of San Francisco, which would not only be wholly inadequate for the needs and convenience of the public, but would cause great financial loss to the complainant by the manner in which the defendant's trains would obstruct new Fourth Street in the City of San Francisco. With its petition the complainant filed a plan for a proposed arcade depot in the location mentioned, embodying its ideas of what the new depot should be; and asked that an order issue from the Commission to compel the defendant to build a depot such as shown on said plan.

The Southern Pacific Company in its answer to this complaint on June 22 states that the complainant's plan is wholly

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impracticable and any depot built in conformity therewith would be entirely inadequate to meet the traffic requirements at said terminal or to properly, safely, or conveniently serve the traveling public.

In compliance with the requests of both the complainant and the defendant this case was set for an early hearing on June 24, 1914, at which sufficient testimony was taken to enable the Commission to arrive at a decision. Prior to the hearing the Commission's engineering department made a thorough study of the merits of both the Southern Pacific Company's plans, which had been submitted to the Commission, and of the plan of the complainant.

The Commission, it appears to me, in this case is solely concerned with the adequacy of the proposed depot, and will pass on the plans only in so far as they will affect the safety and convenience of the public. The Board of Supervisors of the City and County of San Francisco has granted the defendant the necessary franchises and permission to construct the depot and rearrange its terminal facilities as outlined in the defendant's plans, and I see no reason whatever to review or criticize the actions of said Board. It is clear to me from the testimony introduced at the hearing by the complainant that its objections to the plans of the defendant are general and not well founded, and that its principal complaint, namely, against the proposed obstruction of new Fourth Street, is based on mis-information, as that street will not be obstructed by any of the defendant's trains if the depot is built according to the defendant's plans. There is no doubt in my mind that the layout as proposed by the defendant will adequately and conveniently serve the public, and that it is vastly superior to the indefinite and incomplete plans of the complainant, and I therefore recommend that the complaint be dismissed.

I submit herewith the following form of order.

O R D E R

Fourth Street District Improvement Club, of the City of San Francisco, having filed with this Commission its complaint against the Southern Pacific Company, a corporation, in the proceeding entitled as above, and the Southern Pacific Company having filed with the Commission its answer, and a public hearing having been held;

IT IS HEREBY ORDERED, that the complaint in the above entitled proceeding be and the same is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission.

✓ Dated at San Francisco, California, this 24th day of June, 1914.

John W. Ashleman

Arthur J. Brown

Max Thelen

Commissioners.