

ORIGINAL

Decision No. ✓

Decision No. 3171

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of }
SOUTHERN PACIFIC COMPANY for an order }
authorizing the extension of a spur }
track at grade across Pacific Street, } Application No. 2116.
in the City and County of San Francisco, }
California. }
..... }

Geo. D. Squires for Southern Pacific Company.
Henry C. Costa for Vanderbilt Estate.

GORDON, Commissioner.

O P I N I O N

This application was filed by the Southern Pacific Company on behalf of Mrs. Virginia Vanderbilt, the owner of property on the northeast corner of Block 19 in Front Street. It is desired to extend an existing spur track from its present terminus at the south line of Pacific Street across that street and along Front Street, and more particularly described as follows, to-wit:

BEGINNING at a point in the northerly line of Pacific Street produced 15 feet easterly from the westerly line of Front Street where a spur track now terminates; thence southerly parallel with the westerly line of Front Street crossing Pacific Street to a point sixty one feet eight inches (61' 8") southerly from the southerly line of Pacific Street.

The entire length of the proposed extension, including the crossing of Pacific Street, will be 111 feet.

Attached to the application is a certified copy of Bill No. 2936, Ordinance No. 3597 (New Series) of the Board of Supervisors of the City and County of San Francisco, granting permission to Mrs. Virginia Vanderbilt for the construction of the above described extension to the spur track.

A protest against the granting of permission for the construction of this spur track was filed by Jas. F. Brennan, as attorney for Business Men and Property Owners on Front Street, in which it is alleged that the Board of Supervisors of the City and

County of San Francisco were not fully informed as to the wishes and rights of the business men and property owners adjoining Front Street when they passed said ordinance and bill; that said business men and property owners on Front Street did not know that any application was pending before the Board of Supervisors for a permit for said spur track; and that the granting of this application will seriously interfere with traffic on Pacific and Front Streets and work to the detriment of the business men and property owners on Front Street between Pacific Street and Jackson Street.

A hearing was held on March 16, 1916, at which the applicant and the Vanderbilt Estate were represented, but no appearance was made by the protestants. It developed at the hearing that by Resolution No. 12699 (New Series), copy of which was introduced in evidence, the Board of Supervisors of the City and County of San Francisco on March 13, 1916 denied a petition filed by the protestants for the revocation of the spur track permit granted by said Board of Supervisors in the resolution referred to above.

The engineering department made its report to the Commission, and the facts appear to be that the proposed spur track extension will be long enough to hold but one freight car and occasionally will be used for switching purposes only during the hours from 6 P.M. to 7 A.M.

It appears that this locality is a wholesale district, depending upon spur track facilities for the proper transaction of business, and that there are other spur tracks across Pacific Street east of Front Street. The operation over this spur track will be carried on by the State Belt Line Railroad. The engineering department also reports that a separation of grades at that point is impracticable.

It is the Commission's duty in cases of this kind to weigh against each other considerations of public convenience and necessity and considerations of hazard and danger to life and

property. There is no doubt in my mind that in the present instance the increased hazard of operation by reason of the proposed one hundred and eleven (111) foot extension, and under the conditions of safeguard governing the railroad operation at that point, is practically negligible, while the public necessity for the construction of this spur track extension and the additional convenience to the public is real and compelling.

It is my recommendation, therefore, that this application be granted, subject to the provisions of the ordinance of the Board of Supervisors of the City and County of San Francisco above referred to.

I submit the following form of order.

O R D E R

SOUTHERN PACIFIC COMPANY, a corporation, having on March 3, 1916 filed with the Commission its application for an order authorizing the extension of a spur track across Pacific Street at grade, in the City and County of San Francisco, California, and more particularly described in the opinion preceding this order; and a hearing having been held; and it appearing to the Commission that the application should be granted;

IT IS HEREBY ORDERED, That permission be hereby granted Southern Pacific Company to construct and extend its spur track at grade across Pacific Street, in the City and County of San Francisco, California, in accordance with the provisions of Ordinance No. 3597, passed by the Board of Supervisors of said City and County of San Francisco, and hereinbefore referred to.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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 foregoing opinion and order are hereby approved and ordered filed as the opinion and findings of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18th day of March, 1916.

W. H. Boardman
W. G. Gordon
Frank R. Quinn
Commissioners.