

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF	:
MILLER & LUX INCORPORATED (a corpo-	:
ration) FOR PERMISSION TO CROSS A	:
PUBLIC STREET IN THE CITY AND COUNTY	:
OF SAN FRANCISCO, to-wit: KENTUCKY	:
STREET, WITH A SPUR TRACK AT GRADE,	:
AND TO CROSS THE TRACK OF A STREET	:
RAILROAD CORPORATION OF SAID KENTUCKY	:
STREET, to-wit: THE UNITED RAILROADS	:
COMPANY, WITH A SPUR TRACK AT GRADE.	:

Application
No. 8.

ORDER

Loveland and Thelen Commissioners.

The above application was filed with this Commission April 17, 1912. It was set down for hearing April 25, 1912, at 10:50 A.M., at the office of the Commission, 853 Market Street, San Francisco, California, and notice of said application and hearing given to the public through the press and to the United Railroads of San Francisco by mail.

The Commission also directed its Chief Engineer to personally investigate conditions now existing at the point where the crossing is applied for and those which would be created by granting the application and to report his conclusions to the Commission before the date set for the hearing, said report being a part of the records of this case.

At the time set for hearing the application, it was taken up in due form, the applicant being represented by Mr. E. J. Kennedy, its attorney, and the United Railroads of San Francisco by its chief engineer, Mr. V. P. Legare.

Testimony was introduced to show the necessity for said crossing and that a crossing other than at grade was impractical owing to large expense.

Applicant offered in evidence and filed with the Commission copy of an agreement between the United Railroads

of San Francisco and Miller and Lux Incorporated, under the terms of which agreement said United Railroads of San Francisco waived all objections to and granted said Miller and Lux Incorporated the privilege of crossing its double track at the point set forth in the application by a single spur steam railroad track.

At the request of the Commission, applicant also filed as a part of the record a certified copy of an ordinance passed by the Board of Supervisors of the City and County of San Francisco, California, granting applicant permission to construct, maintain and operate the crossing as prayed for in the application now under consideration.

Applicant also asked and received permission to amend its application or add thereto the request for permission to cross Burke Street at grade in the City and County of San Francisco, California, at a point designated in the ordinance passed by the Board of Supervisors of the City and County of San Francisco December 6, 1910, to-wit: Bill No. 1558, Ordinance No. 1407 as shown by the records of said Board.

No one appeared in opposition to granting the application.

The Commission, being satisfied as to the necessity for said crossing, hereby grants the application to said applicant to construct, maintain and operate a single spur steam railroad track across the double track of the United Railroads of San Francisco at grade, at the point on Kentucky Street in the City and County of San Francisco, California, as described and set forth in the ordinance passed by the Board of Supervisors of the City and County of San Francisco, California, heretofore referred to.

It not being apparent from the language of the ordinance passed by the Board of Supervisors of the City and

County of San Francisco by which permission was granted applicant to construct, maintain and operate a spur track across Kentucky Street, that permission was also granted by said Board for applicant to cross Burke Street, the Commission hereby grants permission for applicant to construct, maintain and operate a spur track across said Burke Street, such permission being conditional upon the applicant having first definitely secured permission from the Board of Supervisors of the City and County of San Francisco for such construction, maintenance and operation. The Commission reserves the right to revoke said permission as to both crossings whenever, in its judgment, public necessity demands such revocation and also reserves the right to require said applicant to install and maintain such safety appliances and provide such means to insure the safety of the public as the Commission may consider necessary.

Under these conditions and with this understanding, the applications are hereby granted.

The foregoing order is hereby approved and ordered filed as the order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26th day of April, 1912.

John McLaughlin
Attorney General

Max Allen

Commissioners.

Attest: Charles P. Stewart
Secretary.