

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SOUTHERN PACIFIC COMPANY for permission to construct a spur track at grade across the intersection of Second and Brannan Streets, South Park, and the tracks of United Railroads of San Francisco in the City and County of San Francisco, Calif.  
.....

Application No. 537.

APPEARANCES

H. C. Booth representing Southern Pacific Company;

Wm. M. Abbott representing United Railroads of San Francisco.

GORDON, Commissioner.

OPINION

This is an application of Southern Pacific Company for an order of this Commission authorizing the construction of a spur track at grade across the intersection of Second and Brannan Streets, South Park, and the tracks of United Railroads of San Francisco, at the intersection of Second and Brannan Streets in the City and County of San Francisco, California, to serve the warehouse now being constructed by Nat Raphael on the west side of Second Street, between Brannan and South Park. Attached to the application is a copy of a franchise or permit granted by the Board of Supervisors, City and County of San Francisco, granting permission to construct said spur track on Second Street. There was also filed with the Commission a copy of a proposed contract between the Southern Pacific Company and the United Railroads of San Francisco, providing for the installation, operation and maintenance of said spur at grade over the tracks of the United Railroads of San Francisco. This proposed contract provides that in case of accident at this crossing each company should bear and pay all loss, injury and damage to its own property or property in its custody and which its passengers or employees may have suffered by reason thereof. The United Railroads of San Francisco objected to this provision in the

contract and desired to have substituted that all damages should be borne equally by the parties found to be jointly liable. A hearing was held by the Commission at San Francisco, California, on May 19th, 1913, at which the interested parties were duly represented and testimony was taken concerning the matters contained in the application and also as to the manner of apportioning damage claims between the two (2) companies. No objection was made as to the manner of installation, operation and maintenance of the crossing of this spur track with track of the United Railroads of San Francisco, other than as pertained to the settlement of damages as aforesaid.

I find as a fact that it is impracticable to construct this spur track other than at grade as applied for. This Commission has the authority to say whether or not this crossing may be made and to prescribe the terms of its installation, operation and maintenance, but this Commission does not have the authority to prescribe the manner in which damages shall be apportioned between the two (2) companies as the result of an accident at this crossing.

I recommend that the application be granted and submit herewith the following form of order:

O R D E R

SOUTHERN PACIFIC COMPANY, a corporation, having on May 2, 1913, filed with the Commission an application for permission to construct its spur line track at grade across the intersection of Second and Brannan Streets, South Park, and also at grade across the tracks of United Railroads of San Francisco at the intersection of Second and Brannan Streets in the City and County of San Francisco, California, and a hearing having been held by the Commission at San Francisco, California, on May 19, 1913, at which the interested parties were duly represented and testimony having been taken concerning the matters contained in the application; and it appearing to the Commission that the Board of Supervisors of the City and County of San Francisco has granted the necessary franchise or permit for the construction of said

343

spur track, and it further appearing to the Commission that it is not reasonable nor practicable to avoid grade crossings of the track of applicant with said streets and the tracks of United Railroads of San Francisco and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be hereby granted Southern Pacific Company to cross at grade with its spur line track at the intersection of Second and Brannan Streets, South Park, and the tracks of United Railroads of San Francisco at the intersection of Second and Brannan Streets in the City and County of San Francisco, California, as prayed for in the application and as shown by the maps attached thereto, subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings together with the cost of their maintenance hereafter in good and safe condition shall be borne by applicant.

(2) All overhead wires or obstructions constructed at the crossings shall have a clearance above the rails of not less than twenty-two (22) feet. All pole lines and other side obstructions shall have a clearance from the center line of the track of either company of not less than eight (8) feet.

(3) All street paving disturbed in the installation of the crossings and track at the intersection of Second and Brannan Streets and at South Park shall be restored in as good condition as before installation of said crossings and track and in every way be made safe for the passage thereover of vehicles and other street traffic.

(4) No engine, motor, train or car owned or operated by applicant shall be permitted to pass over the crossings without first coming to a full stop within one hundred (100) feet thereof and shall not proceed thereover until the conductor, watchman or other employee of applicant shall have gone upon the crossings and ascertained that it is safe to do so. United Railroads of San Francisco may operate its engines, motors, trains or cars over the crossings without stopping.

144

provided, that they shall approach and pass over said crossings under full control.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of May, 1913.

John M. Eishleman

H. D. Low

W. J. ...

Max ...

Commissioners.