

CHAPTER CCLVI.

An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

[Approved March 19, 1889.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two thousand five hundred and twenty-four is hereby amended to read as follows:

Commissioners to have charge of waterfront. Duties of.

2524. The Commissioners shall have possession and control of that portion of the Bay of San Francisco, together with all the improvements, rights, privileges, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, or valid leases; which parcels so held it is hereby made the duty of the Commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio Reservation intersects the waterline front as established by the Board of State Tide Land Commissioners; thence easterly along said waterline front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Dupont Street; thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery

Boundaries.

Street to the center of Greenwich Street; thence easterly ^{Same.} along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street; thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Steuart Street; thence southerly along the center of Steuart Street to the center of Harrison Street; thence southerly on a direct line with said Steuart Street two hundred and fifty-three feet nine inches to the center of a street the name of which is not on a map; thence at right angles westerly along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence westerly along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last mentioned line to the easterly line of Fifth Street; thence southerly along said last mentioned line to the southerly line of said Channel Street; thence easterly along said last mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana Street; thence southerly along the center of Louisiana Street to the center of El Dorado Street; thence westerly along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the center of Solano Street; thence easterly along the center of Solano Street to the waterfront line established by the Board of State Tide Land Commissioners; thence southerly along said last mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center of Islais Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of India Street; thence westerly, southerly, and easterly along the center of said India Street to the center of Waterfront Street, to the center of

Same.

China Street; thence westerly along the center of China Street to the center of Third Avenue; thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last mentioned line to the waterfront established by the Board of State Tide Land Commissioners; thence southerly along and around said dry dock company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street; thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue; thence easterly along the center of Twenty-fourth Avenue to the center of Waterfront Street; thence southerly along the center of said Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor, embankment, or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary lines of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States Survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the waterline front, as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the waterline front, as established by the Board of State Tide Land Commissioners, to the southerly boundary of said City and County of San Francisco; and said Commissioners, in addition to a general control over said premises, shall have authority to use for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the City and County of San Francisco ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets and the city front; and purchase from time to time, suitable books for the records of the Secretary and accounts of the wharfingers, together with such stationery as may be required by the Board; and to fix and regulate,

from time to time, the rates of dockage, wharfage, crantage, tolls, and rents; and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article; and the Commissioners and Mayor of San Francisco may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five; collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished and the toll collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading, and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco by water. And for the purpose of repairing said wharves, piers, quays, and landings, the Commissioners are hereby authorized and empowered to purchase or construct pile drivers, and the necessary machinery to be used therewith, and employ men for operating the same. But no wharf shall be extended into the bay more than six hundred feet beyond the inside line, or the line nearest the shore of the City and County of San Francisco, described in this article, or more than six hundred feet beyond the permanent waterfront line when established under the provisions of this article, nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The Commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith and operate said works, and for that purpose to employ men, and purchase chemicals or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile drivers, scows, steam tugs, or any necessary machinery or material obtained, the cost of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board; *conditioned*, if the proposal is

To establish rates.

Tolls, when abolished.

Construct wharves.

Length of wharf.

Advertising for bids.

accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case the said sum mentioned in said check shall be paid into the State Treasury by said Secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used; which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days, except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work.

Rejection of bids.

If, in the opinion of the Commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and received bids, must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same.

Classes liable to dockage.

When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water. All classes of water craft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular

rates. The charge for wharfrage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents, or lessees, may hold possession of any such goods, wares, or merchandise, so landed as aforesaid, to secure the payment of such wharfrage and tolls; and for the purpose of such lien, are deemed to have possession of such goods, wares, and merchandise, so landed, until such charge for wharfrage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article, and said Commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the City and County of San Francisco, all needful rules and regulations not inconsistent with the laws of the State or of the United States, in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the Bay of San Francisco and the fresh water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective Wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign for the exclusive use of the water-craft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience; and the Commissioners shall charge a reasonable compensation per month for the use of such landings, and office, and storehouse premises; set apart and assign a suitable and proper locality for the use of the Harbor Police of the City and County of San Fran-

Charges, a lien.

To make rules.

To set apart landings for Federal Government.

Compensation for landings.

To set apart
for fisher-
men.

To set apart
for cattle.

To set apart
for dry
docks.

Not to renew
lease.

cisco; and also a suitable place for a boat-house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign for the exclusive use of steam ferryboats, suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers, and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers, and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the City and County of San Francisco, such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; *and provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water-craft to land any greater number than ten at any one time from any water-craft at any other place. The Commissioners may set apart for the uses and purposes of dry docks and marine railways such portions of the waterfront northwesterly of the northerly end of Kearny Street, and southerly of the easterly end of Solano Street, as the wants of commerce may require. The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided; and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company, or person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them, on thirty days' previous notice to the party or

parties so using the same. Said Board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks for railways along any of the property described herein, or on any portion of the waterfront of San Francisco, under any condition whatever. Said Board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said Board may determine; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person, or persons; *and provided further*, that switches from said railway track or tracks may, with the permission of said Board, and under the limitations and conditions of this Act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstructions in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose, or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which service may be served by a Wharfinger, or the Secretary or Assistant Secretary of the Board), the owner, agent, or occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified, shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstructions shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rate of dockage, wharfage, and tolls shall not exceed those established by the Board of State Harbor Commissioners July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the Board of Harbor Commissioners to construct any railroad along and upon any open canal extending inland from said waterfront. But said Harbor Commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

To prohibit
laying of
railroad
tracks.

Obstructions
in bay.

SEC. 2. Section twenty-five hundred and twenty-eight of the Political Code is hereby amended so as to read as follows:

Disposition
of moneys
collected.

2528. All moneys collected shall be paid into the State Treasury, and be credited to the San Francisco Harbor Improvement Fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile driving and piles, expense of preserving piles and timber, cleaning the wharves and bulkheads, legal, and other incidental expenses, and in addition six thousand dollars per month for urgent repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of the Board without advertising for proposals therefor. Such moneys may be remitted to the State Treasurer by express.

SEC. 3. Section two thousand five hundred and fifty-two of the Political Code is hereby amended so as to read as follows:

Salaries.

2552. The monthly salaries of the officers of the Board shall be as follows: The President, three hundred dollars; each of the other two Commissioners, two hundred and fifty dollars; the Secretary, two hundred and fifty dollars; the Assistant Secretary, one hundred and fifty dollars; the Attorney, two hundred dollars; the Chief Engineer, two hundred and fifty dollars; the Chief Wharfinger, two hundred and fifty dollars; the Wharfingers, one hundred and twenty-five dollars; and the Collectors, one hundred dollars. The Board must fix the compensation of the other employés. No ex officio officer, nor consulting engineer, shall receive any compensation, except traveling and other incidental expenses.