

3-3-23
Decision No. 11910

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of The Atchison, Topeka and Santa)
Fe Railway Company, a corporation,)
for authority to construct a spur)
track across San Gabriel Avenue,)
in the City of Albany, County of)
Alameda, State of California.)

Application No. 8850.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on March 29, 1923, filed with the Commission an application for permission to construct a spur track at grade across San Gabriel Avenue in the City of Albany, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 197 N.S.) has been granted by the Board of Trustees of said City of Albany for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said San Gabriel Avenue, and that this application should be granted subject to the

conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across San Gabriel Avenue in the City of Albany, County of Alameda, State of California, described as follows:

"Commencing at a point in the west line of San Gabriel Ave., City of Albany, 50 feet north of the north line of Brighton Ave. thence easterly parallel with and distant 50 feet northerly from said north line of Brighton Avenue. 50 feet to the east line of San Gabriel Ave., thence continuing easterly 200 feet to the west line of Spokane Ave."

All of the above as shown by the map (Div'n. Eng'r's. Drawing A 4021) attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year

from the date of this order unless further time is granted by subsequent order.

(5) 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.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 6th day of April, 1923.

C. S. Seaver
Egerton Short
J. T. Whittington
Commissioners.