

ORIGINAL

Decision No. 12848-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of application of)
Southern Pacific Company for an)
order authorizing the construction)
at grade of a spur track across)
61st Street, in the town of Emery-)
ville, County of Alameda, State)
of California.)

Application No. 9500.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on November 6, 1923, filed with the Commission an application for permission to construct a spur track at grade across 61st Street in the City of Emeryville, 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. 767) has been granted by Board of Trustees of said City of Emeryville 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 61st Street, 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 Southern Pacific Company to construct a spur track at grade across 61st Street in the City of Emeryville,

County of Alameda, State of California, described as follows:

"Beginning at point on the northerly line of 61st Street in the Town of Emeryville, County of Alameda, State of California, and distant thereon 8.5 feet easterly from the easterly right of way line of the Southern Pacific Railroad Company; thence southerly parallel to said right of way line 60.3 feet, more or less, to the southerly line of said 61st Street."

All of the above as shown by the map (Western Division Drawing S-309) 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 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.

(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 21st day of November, 1923.

Osborne
H. W. Brundage
William Martin
Eugene Shore
J. J. Whittney
Commissioners.