

Decision No. 17987

ORIGINAL

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) Application No. 9637
Sunnyside Street, in the City of)
Oakland, County of Alameda, State)
of California.)

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, having on December 26, 1923, filed with the Commission an application for permission to construct a spur track at grade across Sunnyside Street in the City of Oakland, 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. 28260 N.S.) has been granted by the City Council of said City of Oakland 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 Sunnyside 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 Sunnyside Street in the City of Oakland, County of Alameda, State of California, described as follows:

Beginning at a point in the western line of Sunnyside Street, said point being distant thereon 30.81 feet northerly from the northern line of 105th Avenue; thence bearing North $73^{\circ} 18-1/2'$ East a distance of 50 feet, more or less, to a point in the eastern line of Sunnyside Street and distant thereon 27.49 feet northerly from the aforesaid northern line of 105th Avenue:

All of the above as shown by the map (Western Division Drawing S-512) 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 Sunnyside 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) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further

time is granted by subsequent order.

(6) 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 3^d day
of January 1924

Chas. S. ...
H. B. ...
Eugene ...
Commissioners.