

Decision No. 13068

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 a )  
portion of 46th Avenue and across )  
Clement Street, in the City of )  
Oakland, County of Alameda, State )  
of California. )

ORIGINAL

Application No. 9690.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, having on January 11, 1924, filed with the Commission an application for permission to construct a spur track at grade across a portion of 46th Avenue and at grade across Clement Street in the City of Oakland, County of Alameda, State of California as herein-after indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary permit (Resolution No. 28335 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossings at grade, and it further appearing that it is not

reasonable nor practicable to avoid grade crossings with said portion of 46th Avenue, and Clement 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 a portion of 46th Avenue and at grade across Clement Street in the City of Oakland, County of Alameda, State of California, described as follows:

TRACK CROSSING PORTION OF 46th AVENUE:

BEGINNING at a point in the southeastern line of 46th Avenue, said point being distant along said southeastern line of 46th Avenue 393.44 feet northeasterly from the northeastern line of Clement Street; thence northeasterly along the aforesaid southeasterly line of said 46th Avenue a distance of 6.56 feet to the right of way line of the Central Pacific Railway Company, said right of way line being the terminating line of said 46th Avenue; thence North  $44^{\circ} 13' 20''$  West along said terminating line of said 46th Avenue a distance of 74.5 feet to a point; thence on a curve to the right of radius 403.05 feet (tangent to said curve at last described point above bearing South  $44^{\circ} 13' 20''$  East) a distance of 57.31 feet to a point; thence bearing South  $36^{\circ} 03' 20''$  East a distance of 17.43 feet to the point of beginning.

TRACK CROSSING CLEMENT STREET:

BEGINNING at a point in the northeastern line of Clement Street and distant thereon South  $44^{\circ} 13' 20''$  East 160.5 feet from the southeastern line of 46th Avenue; thence South  $45^{\circ} 50' 10''$  West a distance of 66 feet to the southwestern line of Clement Street.

All of the above as shown by the map (Western Division Drawing E. 41 Sheet 1 W.D. 8253) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings, together with the cost of their 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 Clement Street now graded, with the top of rails flush with the roadway, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossing of 46th Avenue shall be so constructed that grades of approach not exceeding two (2) per cent; will be feasible in the event that the construction of roadway along said 46th Avenue shall hereafter be authorized and so that said grade crossing of said 46th Avenue may be made safe for the passage thereover of vehicles and other road traffic.

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

(5) If said crossings 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) This order is made upon the express condition that 46th Avenue is not now actually constructed and open to travel at the proposed point of crossing, and said order shall not be deemed an authorization for the construction of and opening of said 46th Avenue to public use across said railroad tracks.

(7) 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 con-

venience 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 January 1924.

C. Seavey  
H. H. Bunting  
Dwight Martin

J. Whittney  
Commissioners.