

Decision No. 13157

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of The Atchison, Topeka and Santa
Fe Railway Company, a corporation,
for authority to construct, main-
tain and operate a spur track in
and across Adeline and 46th Streets,
Emeryville, California.

Application No. 9778

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Com-
pany, a corporation, having on February 13, 1924, filed with
the Commission an application for permission to construct
a spur track at grade across Adeline and 46th Streets, in
the Town 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 nec-
essary; that the necessary franchise or permit (Resolution
No. 775) has been granted by Board of Trustees of said Town
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 Adeline and
46th Streets, 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 Adeline and 46th Streets in the Town of Emeryville, County of Alameda, State of California, described as follows:

Commencing at a point in the center line of the C.A.& S.F.Ry.Co.'s main track as said main track is located and constructed in Adeline St. and distant 176 feet northerly from the northerly line of 46th St., thence in a southerly direction on a curve to the left with a radius of 942.29 ft. a distance of 86.17 ft. thence on a curve to the left with a radius of 478.34 feet a distance of 27.22 ft. thence on a curve to the right with a radius of 478.34 ft. 10.61 ft. to the northerly line of 46th St. produced, thence continued on said curve 61.98 ft. to the southerly line of 46th St. produced, thence on said curve 1.55 ft. to the easterly line of Adeline St.

All of the above as shown by the map No. V-4-291 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 those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage there-over 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.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation protection and maintenance 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 15th day of February, 1924.

C. Seaver
H. B. Bundege

T. Whitting
Commissioners.