

ORIGINAL

Decision No. 13198

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. 9793
East 10th Street, 46th Avenue and)
45th Avenue, in the City of Oakland,)
County of Alameda, State of)
California.)

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on February 18, 1924, filed with the Commission an application for permission to construct a spur track at grade across East Tenth Street, Forty-sixth Avenue and Forty-fifth Avenue 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 28672N.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 East Tenth Street, Forty-sixth and Forty-fifth Avenues, 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 East Tenth Street, Forty-sixth Avenue and Forty-fifth Avenue in the City of Oakland, County of Alameda, State of California, said crossings are described as follows:

1. Beginning at a point on the easterly line of East 10th Street, distant thereon 102.5 feet, more or less, southerly from the southerly line of 46th Avenue; thence southwest on a curve to the right with a radius of 778.307 feet a distance of 60.0 feet, more or less, to a point on the westerly line of East 10th Street, distant thereon 100.0 feet, more or less southerly from the southerly line of 46th Avenue.

2. Beginning at a point on the southerly line of 46th Avenue distant thereon 178.0 feet, more or less, westerly from the westerly line of East 10th Street; thence westerly on a curve to the right whose radius is 250.793 feet to a point on the northerly line of 46th Avenue distant thereon 217.0 feet, more or less westerly from the westerly line of East 10th Street.

3. Beginning at a point on the southerly line of 45th Avenue distant thereon 240.0 feet, more or less, westerly from the westerly line of East 10th St; thence westerly at right angles to said southerly line of 45th Ave. a distance of 60.0 feet, more or less to the northerly line of 45th Avenue.

All of the above as shown by the map (East Bay Division Dwg. SF2-3453; Case D12) 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 crossings shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadways along said East Tenth Street, Forty-sixth Avenue and Forty-fifth Avenue shall hereafter be authorized and so that said crossings of said streets may 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 crossings.

(4) 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.

(5) This order is made upon the express condition that East Tenth Street, Forty-sixth Avenue and Forty-fifth Avenue are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of or opening of said streets to public use across said railroad tracks.

(6) 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 convenience and necessity demand such action.

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

Dated at San Francisco, California, this 26th day of February, 1924.

C. L. ...
H. K. ...
J. ...
E. ...
J. F. Whittney
Commissioners.