

Decision No. 13257

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 construc-)
tion at grade of a spur track)
across 46th Avenue, Hutchinso-)
n Station, in the City of Oakland,)
County of Alameda, State of)
California.)

Application No. 9839

ORIGINAL

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, having on February 29, 1924, filed with the Commission an application for permission to construct a spur track at grade across 46th 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 28761 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 46th Avenue, 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 46th Avenue in the City of Oakland, County of Alameda, State of California, described as follows:

"Beginning at a point in the northwestern line of 46th Avenue, distant thereon four and three-tenths (4.3) feet southwesterly from the intersection of the said northwestern line of 46th Avenue with the southwestern right of way line of the Central Pacific Railway from Oakland to Miles; thence on a curve to the right, with a radius of one hundred ninety-one and twelve-hundredths (191.12) feet, a distance of ninety-four and eighty-eight hundredths (94.88) feet to the southeastern line of 46th Avenue, and distant thereon fifty-three and thirty-two hundredths (53.32) feet southwesterly from the intersection of the said southeastern line of 46th Avenue with the aforesaid southwestern right of way line of the Central Pacific Railway."

All of the above as shown by the map (Western Division Drawing E-54, Sheet 4) 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 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 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 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) This order is made upon the express condition that 46th Avenue is 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 an opening of said

street to public use across said railroad track.

(6) The Commission reserve 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 13th day of March, 1924.

C. Seaver
H. B. Brundage

Irving Martin
Everton Shore

J. W. Whittney
Commissioners.