

ORIGINAL

Decision No. 13259

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. 9852.
Fifth-ninth Street, in the Town)
of Emeryville, County of Alameda,)
State of California.)

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on March 5, 1924, filed with the Commission an application for permission to construct a spur track at grade across Fifty-ninth Street 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 necessary; that the necessary franchise or permit (Resolution No. 776) has been granted by the 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 Fifty-ninth 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 Fifth-Ninth Street in the Town of Emeryville, County of Alameda, State of California, described as follows:

Beginning at a point on the northerly line of 59th Street, distant thereon sixty-eight feet more or less westerly from the westerly line of Eighth Street; thence southerly bearing $8^{\circ}10'$ left of the center line of the eastbound track of the Ninth Street Line, a distance of forty-four feet more or less; thence continuing southerly a distance of twenty-nine feet more or less on a curve concave to the left with a radius of three hundred and fifty-eight feet to a point on the southerly line of 59th Street, distant thereon ninety-two feet more or less westerly from the westerly line of Eighth Street, and being distant seventy-three feet more or less from the point of beginning.

All of the above as shown by the map (East Bay Division; Drawing 3722; Case D-12) 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 Fifty-ninth 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.

(5) 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 13th day of March, 1924.

W. A. Kearney
W. B. ...
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J. M. ...
Commissioners.