

Decision No. 13736.

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 45th
Street, in the Town of Emeryville,
County of Alameda, State of California)

ORIGINAL

Application No. 10193

BY THE COMMISSION:

O R D E R.

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 17th day of June, 1924, asking for authority to construct a spur track at grade across Forty-fifth Street in the Town of Emeryville, County of Alameda, State of California, as hereinafter set forth. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said Forty-fifth Street and that this application should be granted subject to the conditions hereinafter specified.

THEREFORE, it is hereby ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across Forty-fifth Street, in the Town of Emeryville, County of Alameda, State of California, as follows:

BEGINNING at a point on the northerly line of 45th Street in the Town of Emeryville, County of Alameda, State of California, said point being distant easterly 275.8 feet measured along said northerly line of 45th Street from the intersection of said northerly line with the easterly line of Hollis Street; thence in a straight line South 10° 32' East 60.45 feet to the southerly line of said 45th Street.

All of the above as shown by the map (Western Division, Drawing E-116, Sheet 1, W.D.) 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 Forty-fifth 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 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 23rd
day of June, 1924.

Ch. Seavey

H. V. Brundage

Irving Mastie

Commissioners.