

Decision No. 13850.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of )  
SOUTHERN PACIFIC COMPANY for an )  
order authorizing the construc- )  
tion at grade of a spur track )  
across Park Avenue and across the )  
double track line of the Key )  
System Transit Company in Park )  
Avenue, in the Town of Emeryville, )  
County of Alameda, State of )  
California. )

**ORIGINAL**

Application No. 10,300.

E. J. Foulds for Southern Pacific Company. .

Geo. H. Harris for Key System Transit Company.

BRUNDIGE, COMMISSIONER:

O P I N I O N

In this application the Southern Pacific Company asks permission to construct a spur track at grade across Park Avenue and the street car tracks of the Key System Transit Company in said street in the Town of Emeryville, County of Alameda, State of California. Franchise from the Town of Emeryville was not filed with this application, nor was any document indicating consent on the part of the Key System Transit Company filed.

A public hearing was held in San Francisco on July 26, 1924. The Town of Emeryville was not represented, although duly notified of said hearing, but testimony was introduced by applicant that the town authorities has no objection to the granting of the application.

The crossing desired is on a proposed spur track lead off from the drill track north of Holden Street which serves the west side of the Mee Estate, which is being developed into a modern industrial district. The proposed track will serve a piece of property

on the southwest corner of Park Avenue and Holden Streets which is now vacant. This piece of property has a frontage of 216 feet on Park Avenue and 250 feet on Holden Street.

Mr. Geo. H. Harris, General Superintendent of the Key System Transit Company, stated that his company had no objection to the construction of the crossing with the double track line of street cars, providing the usual agreement was executed between the Southern Pacific Company and the Key System Transit Company.

A field inspection by the Engineering Department of the Commission shows similar spur tracks across Park Avenue at Haven Street, Hubbard Street and Halleck Street.

Applicant introduced a twelve hour traffic count as of July 25, 1924 which shows the following traffic over the crossing:

Autos	1353	.
Trucks	559	
Motorcycles	23	
Bicycles	56	
Teams	8	
Pedestrians	1197	
Street Cars	114	

Applicant testified that no additional protection outside the usual standard crossing sign was considered necessary. From the testimony it appears that the application should be granted, and the construction of the crossing of Park Avenue authorized in so far as it lies within the power of this Commission so to do.

#### O R D E R

Southern Pacific Company having made application to the Commission for permission to construct a spur track at grade across Park Avenue and the double track street car line of the Key System Transit Company on said avenue in the Town of Emeryville, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

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 Park Avenue, in the Town of Emeryville, County of Alameda, State of California, as follows:

COMMENCING at a point in the northerly line of Park Avenue projected across Holden Street in said Town of Emeryville and distant 7 ft. 3 in. easterly from the intersection of said northerly line of Park Avenue with the westerly line of said Holden Street; thence running southerly and parallel to said westerly line of Holden Street and distant therefrom 7 ft. 3 in. easterly at right angles, and across Park Avenue a distance of 80 feet to a point in the southerly line of said Park Avenue projected across Holden Street.

All of the above as shown by the map 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 Park Avenue 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) Applicant shall submit a certified copy of a franchise from the Town of Emeryville for the construction of said crossing at grade.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct its spur track at grade across the tracks of the Key System Transit Company at Park Avenue in the Town of Emeryville, Alameda County, State of California, as shown by the map attached to the application and hereinbefore mentioned, 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, shall be borne by applicant.

(2) All trains, engines or cars of applicant shall stop before going upon or over said crossings and shall not proceed thereon until it has been ascertained that it is safe to do so.

IT IS HEREBY FURTHER ORDERED that 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.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of  
July, 1924.

H. B. Boudier  
Irving Martin

J. T. Whittey  
Commissioners.