

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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. )

Application No. 10,306.

ORIGINAL

E. J. Foulds for Southern Pacific 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 Forty-fifth Street in the Town of Emeryville, County of Alameda, State of California. Franchise from the Town of Emeryville for the construction of this crossing was not filed with this application. A public hearing was held in San Francisco on July 26, 1924. The Town of Emeryville was not represented at the hearing although duly notified thereof.

The crossing desired is one of a series of eight spur track crossings which will be parts of eight spur tracks leading in four pairs from the two drill tracks which now serve the property of the Moe Estate in Emeryville and such industries as have located on this property. Four of these spur track crossings and two drill track crossings are laid in Santa Fe Avenue and the same number are laid in Forty-fifth Street.

It appears that rights of way for the two drill tracks were deeded on July 20, 1917 to the Southern Pacific Railroad Company by the Moe Estate reserving, however, easements for highway purposes to

the Mac Estate and to such persons as it may designate for crossings of the drill tracks at Santa Fe Avenue and on Forty-fifth Street produced across the Mac Estate. The rights of way for these two streets across the Mac Estate were later deeded to the Town of Emeryville after the streets had been paved. At the time of paving, the rails for the eight spur tracks above mentioned were laid across the streets in the pavement, but were not connected with the drill tracks. As these tracks have been required one by one for industrial purposes, application for crossings have been made to the Commission. This application is for one of the crossings on Forty-fifth Street.

Forty-fifth Street is an unimportant street, used chiefly for industrial purposes, and it does not appear reasonable nor practicable at this time to provide a separation of grades at this location. The view of the crossing is entirely unobstructed to the north and southeast. The factory of the Martin Products Company is on the southwest corner. A standard crossing sign is deemed sufficient protection at this time. It appears that the application should be granted.

#### O R D E R

Southern Pacific Company having made application to the Commission for permission to construct a spur track at grade across Forty-fifth Street 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 Forty-fifth Street in the Town of Emeryville, County of Alameda, State of California, as follows:

BEGINNING at a point in the northerly line produced of 45th Street and distant thereon 291.5 feet, more or less, westerly from the westerly line of Hollis Street; thence South 24° 20' East 49.9 feet to a point; thence on a curve concave to the right having a radius of 546.5 feet, whose tangent at the last described point is the last described course, a distance of 10.5 feet, more or less, to a point on the southerly line produced of the aforesaid 45th Street, and distant thereon 284.5 feet, more or less, westerly from the aforesaid westerly line of Hollis Street.

All of the above as shown by the map (Western Division; Drawing E-87, Sheet 3) 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 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 file with this Commission a certified copy of a franchise from the Town of Emeryville for the construction of said crossing at grade.

(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.

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 8<sup>th</sup> day of August, 1924.

C. Searcy

H. B. Brundage

Irving Martin

Ernest Shore

J. T. Whitting

Commissioners.