

Decision No. 14664.

ORIGINAL

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 drill track
across Railroad Avenue, near Elm-
hurst Station, in the City of Oak-
land, County of Alameda, State of
California.

Application No. 10892.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the fourth day of March, 1925, asking for authority to construct a drill track at grade across Railroad Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 31630) has been granted by the City Council of said City for the construction of said crossing at grade, and 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 grade separation, or to avoid a grade crossing at the point mentioned in this application with said Railroad Avenue, 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 drill track at grade across Railroad Avenue, in the City of Oakland, County of Alameda, State of California, as follows:

Commencing at the intersection of the southerly line of Railroad Avenue with the northwesterly line of Louisiana Avenue, as said avenues are delineated and so designated upon that certain map entitled "Map of the Alvin Tract, recorded August 5, 1892, in Book 14 of Maps, Page 1, Alameda County Records;" thence north 42° 54' west along the said southerly line of Railroad Avenue, a distance of 156.7 feet to the point of beginning of track to be described; thence southeasterly on a curve, concave to the right, having a radius of 382.24 feet (the tangent to said curve as the last mentioned point bears south 70° 43' 40" east) a distance of 131.2 feet to a point; thence south 51° 04' east a distance of 58.07 feet to a point in the northerly line of said Railroad Avenue, the end of track to be described,

and as shown by the map (W. D. Dwg No. E 111 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 street now graded, with the tops 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, 1925.

H. B. Lundberg

A. A. Seaver

Egerton Shore

Emmuel Lewis

Commissioners.