

Decision No. 18-274

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 48th and 49th Avenues, in the City of Oakland, County of Alameda, State of California.

Application No. 11,510

BY THE COMMISSION:

O R D E R

ORIGINAL

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 29th day of July, 1925, asking for authority to construct a spur track at grade across 48th and 49th Avenues in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 33165 N S) has been granted by the City Council of said City for the construction of said crossings at grade. 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said 48th and 49th Avenues 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 48th and 49th Avenues, in the City of Oakland, County of Alameda, State of California, as follows:

49th Avenue:- Beginning at a point on the southeasterly

line of 49th Avenue, distant thereon 61 ft. more or less northeasterly from the intersection of the southeasterly line of 49th Avenue with the northeasterly line of E. 10th Street; thence in a northwesterly direction across 49th Avenue to a point on the northwesterly line of 49th Avenue, distant thereon 70 ft. more or less northeasterly from the intersection of the northwesterly line of 49th Avenue with the northwesterly line of E. 10th Street.

48th Avenue: - Beginning at a point on the southeasterly line of 48th Avenue, distant thereon 80 ft. more or less northeasterly from the intersection of the southeasterly line of 48th Avenue with the northeasterly line of E. 10th Street; thence in a northwesterly direction across 48th Avenue to a point on the northwesterly line of 48th Avenue, distant thereon 83 ft. more or less northeasterly from the intersection of the northwesterly line of 48th Avenue with the northeasterly line of E. 10th Street.

and as shown by the map (Western Division Drawing M-112) attached to the application; 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 in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing of 48th Avenue shall be constructed of a width and type of construction to conform to that portion of said Avenue 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 suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossing of 49th Avenue shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said Avenue shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) If said crossings 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.

(6) This order is made upon the express condition that 49th Avenue is not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad tracks.

(7) 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 13th day of August, 1925.

Clarence

George D. Squires

Leon Whitell
Commissioners.