

Decision No. 15407

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 D  
Street, in the City of Benicia, Coun-  
ty of Solano, State of California.

Application No. 11683.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 11th day of September, 1925, asking for authority to construct a spur track at grade across "D" Street in the City of Benicia, County of Solano, State of California, as hereinafter set forth. The necessary franchise or permit (Ord. No. 180) has been granted by the Board of Trustees of said City for the construction of said crossing at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that "D" Street is not at present open to public travel and use; 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 "D" 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 "D" Street in the City of Benicia, County of Solano, State of California, as follows:

Commencing at a point on curve in the center line of the present east leg of Southern Pacific Wye track, which crosses "D" Street in the City of Benicia. Said point of beginning being 108 feet, more or less, easterly and 14 feet more or less, southerly from northeast intersection of "D" Street with East 5th Street, thence southwesterly through a switch turnout, which is tangent to curve in present leg of said Wye track, for a distance of 72 feet, more or less, to a point in the southerly line of "D" Street, said point being 82 feet, more or less southeasterly from the southeast intersection of "D" Street with east 5th Street.

and as shown by the map (Dwg. B-206-Sheet 1) 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 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 "D" Street shall hereafter be authorized and so that said grade crossing may 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) This order is made upon the express condition that "D" Street 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.

(6) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of September, 1925.

W. B. ...

C. ...

George D. ...

Leon Whitall

Commissioners.