

Decision No. 18-916.

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 Sunnyside Street, in the City of Oakland, County of Alameda, State of California.

Application No. 12,451.

BY THE COMMISSION:

ORIGINAL

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 20th day of January, 1926, asking for authority to construct a spur track at grade across Sunnyside Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 34,850 N.S.) has been granted by the City Council of said City of Oakland 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 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 Sunnyside 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 Sunnyside Street, in the City of Oakland, County of Alameda, State of California, as follows:

"Beginning at a point in the westerly line of Sunnyside Street, 20 feet northerly from the intersection of the westerly line of Sunnyside Street with the northerly line of 105th Avenue; thence on the arc of a curve concave to the left with a radius of four hundred fifty-eight and 59/100 (458.59) feet, an arc distance of fifty and 1/10 (50.1) feet, more or less, to a point in the easterly line of Sunnyside Street, fourteen (14) feet northerly from the intersection of the easterly line of Sunnyside Street with the northerly line of 105th Avenue, being the center line of a spur track across Sunnyside Street;"

and as shown by the map (Western Div'n. Dwg. S-401 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 constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said Sunnyside Street now graded, with the tops of rails flush with the roadway, 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.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of January, 1926.

W. B. ...

A. ...

...

Leon ...

Commissioners.