

Decision No. 16619

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Northwestern Pacific Railroad Company for an order authorizing the construction at grade of a spur track across Broadway and the alley between the north half and south half of Block 5. Commercial Addition, in the City of Eureka, County of Humboldt, State of California.

) Application No. 12780.
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BY THE COMMISSION:

O R D E R

Northwestern Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 24th day of April, 1926, asking for authority to construct a spur track at grade across Broadway Street and an alley between the north half and south half of Block 5 in the City of Eureka, County of Humboldt, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1583) has been granted by the City Council of said City of Eureka 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 Broadway Street and said alley 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 Northwestern Pacific Railroad Company to construct a spur track at grade across Broadway Street and an alley be-

tween the north half and south half of Block 5 in the City of Eureka, County of Humboldt, State of California, as follows:

Commencing at a point in the westerly line of Broadway distant 92.1 feet, measured northerly along said westerly line, from the intersection of the Northerly line of Fourth Street with said westerly line of Broadway; running thence in a general easterly direction on a 15 degree curve to the right, whose tangent ahead at the point of commencement makes an angle of $55^{\circ} 35'$ to the right from the said westerly line of Broadway, 157.8 feet to a point in the center of the 20 foot alley between the north half and south half of Block 5, Commercial Addition to the City of Eureka, which point is distant 79.2 feet, measured along the center line of said alley, from the easterly line of Broadway; thence easterly, along the center line of said alley, 225.6 feet to the westerly line of Commercial Street.

and as shown by the map (C.E. 84-B) attached to the application; said crossings to be constructed subject to the following conditions, namely:

(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 crossings 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 without superelevation and of a width to conform to those portions of said street and alley 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 suitable crossing signs 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 crossings.

(4) 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.

(5) 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 3^d day of May, 1926.

H. B. Brandegee
C. L. Seaver
E. J. McDonald

Commissioners.