

Decision No. 16966.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of application of  
Southern Pacific Company for an  
order authorizing the construction  
at grade of two (2) spur tracks  
across a portion of Spear Avenue  
and two (2) spur tracks across  
McCormack Way, in the vicinity of  
Sacramento, County of Sacramento,  
State of California.

Application No. 12,906.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 3rd day of June, 1926, asking for authority to construct two (2) spur tracks at grade across a portion of Spear Avenue and two (2) spur tracks at grade across McCormack Way in the vicinity of Sacramento, County of Sacramento, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1005) has been granted by the Board of Supervisors of said County of Sacramento 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 Spear Avenue and McCormack Way 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 two (2) spur tracks at grade across a portion of Spear Avenue and two (2) spur tracks at grade across McCormack Way in the vicinity of Sacramento, County of Sacramento, State of California, as follows:

Descriptions of spur tracks across Spear Avenue.

Spur Track #1. Commencing at a point on the southerly line of Spear Avenue, said point being 588.3 feet westerly from the center line of 16th Street; thence northerly across Spear Avenue on a line making an angle of  $80^{\circ}10'$  right with the center line of the Southern Pacific Railroad Company's drill track on Ahern Avenue, a distance of 70.7 feet to a point in the northerly line of Spear Avenue, said point being 578.3 feet westerly from the center line of 16th Street and 40 feet northerly from the center line of Spear Avenue.

Spur Track #2. Commencing at a point on the southerly line of Spear Avenue, said point being 588.3 ft. westerly from the center line of 16th Street and running thence northerly on a line making an angle of  $80^{\circ}10'$  right with the center line of the Southern Pacific Company's drill track on Ahern Avenue, a distance of approximately 5 feet to the point of beginning of this description; thence on a #7 turnout to the right thru an angle of  $80^{\circ}10'$ , a distance of approximately 68 feet to a point, said point being on the northerly line of Spear Avenue and distant 570.5 feet westerly from the center line of 16th Street.

Descriptions of spur tracks across McCormack Way.

Spur Track #1. Commencing at a point on the southerly line of McCormack Way, said point being approximately 593.4 feet westerly from the center line of 16th St. and running thence northerly across McCormack Way on a line making an angle of  $80^{\circ}10'$  right with the center line of the Southern Pacific Company's drill track on Ahern Avenue, a distance of 40.4 feet to a point in the northerly line of McCormack Way, said point being approximately 587.7 ft. westerly from the center line of 16th St.

Spur Track #2. Commencing at a point on the southerly line of McCormack Way, said point being approximately 593.4 ft. westerly from the center line of 16th Street and running thence on the arc of a #7 turnout curve to the right of radius 385.67 ft., a distance of approximately 40.5 ft. to a point on the northerly line of McCormack Way, said point being approximately 584.7 ft. westerly from the center line of 16th Street.

and as shown by the map attached to the application and entitled "Proposed Spur for E.A. & A. R. Meister", 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 of Spear Avenue 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 Spear Avenue 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) Said crossings of McCormack Way 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 McCormack Way 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 McCormack Way 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 19<sup>th</sup> day of June, 1926.

H. B. Brundage

O. L. Weaver

Leon Whitely

Commissioners.