

Decision No. 17099.

ORIGINAL

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

Application No. 13006.

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 July, 1926, asking for authority to construct a spur track at grade across Ettie Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 36569 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 Ettie 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 Ettie Street in the City of Oakland,

County of Alameda, State of California, as follows:

Beginning at a point in the center line of the existing Ettie Street Drill Track where said center line crosses the westerly line of Ettie St., said point being 74 feet, more or less, northerly, measured along the westerly line of Ettie St. from its intersection with the northerly line of 28th St.; thence in a northeasterly direction across Ettie St. through a standard No. 7 turnout a distance of 70 feet more or less; thence continuing across Ettie St. on the arc of a curve, concave to the left, whose radius is 287 feet, a distance of 137 feet, more or less, to a point; thence in a northwesterly direction on a straight line parallel to and 4 feet from the easterly line of Ettie St. a distance of 135 feet more or less to a point; said point being 200 feet more or less southerly from the southerly line of 32nd Street.

and as shown by the map (Western Division, Dwg. 0.716 Sheet 1) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 Ettie 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 Ettie Street is not now actually constructed and open to travel at the point 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 track.

(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 12<sup>th</sup> day of July, 1926.

W. B. R. ...

Emm ...

Leon ...

Commissioners.