

Decision No. 17473.

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

**ORIGINAL**  
Application No. 13221.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 4th day of October, 1926, asking for authority to construct a spur track at grade across a portion of Ettie Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 37460 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 portion of 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 a portion of Ettie Street, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point in the constructed joint Santa Fe-Southern Pacific Drill track in the center of Ettie Street in the City of Oakland, said point being southerly measured along the center line of said Ettie Street, 255 feet more or less from the southerly line of 32d Street; thence northwesterly thru a standard number seven turnout a distance of 78 feet more or less, to a point; thence on the arc of a curve concave to the left having a radius of 382.25 feet, a distance of 20 feet to a point; thence northwesterly on a line, which is tangent to last mentioned curve at last mentioned point, a distance of 45 feet, more or less, to a point; thence on the arc of a curve concave to the right having a radius of 382.25 feet a distance of 75 feet to a point (which is 4 feet easterly at right angles from the westerly line of Ettie Street); thence northerly on a line parallel to and at a uniform distance of 4 feet easterly from the westerly line of Ettie Street, a distance of 38 feet more or less to the southerly line of 32d Street;

and as shown by the map (Western Div'n; Dwg. O.724 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 13<sup>th</sup> day of October, 1926.

H. B. Brundage  
Chas. E. ...  
Ernest ...  
Leon ...  
Thos. ...

Commissioners.