

Decision No. 10245.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of SOUTHERN PACIFIC COMPANY for an order authorizing the relocation of a certain track across a portion of Carroll Avenue and construction of a new track across Donner Avenue, in the City and County of San Francisco, State of California.

Application No. 13618.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 21st day of March, 1927, asking for authority to construct a spur track at grade across Donner Avenue, in the City and County of San Francisco, State of California, as hereinafter set forth. The necessary franchise or permit has not been granted by the Board of Supervisors of said City and County for the construction of said crossing at grade, but applicant has filed a certified copy of an ordinance (No. 7432) granting permission to construct a track to serve a similar purpose but at a slightly different location and states that said ordinance will be revised to cover the location herein applied for. 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 Donner Avenue and that this application

FORM
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 Donner Avenue in the City and County of San Francisco, State of California, at the location hereinafter particularly described and as shown by the map (Coast Division Drawing 15521) attached to the application.

Description of Crossing.

Beginning at a point in the north line of Donner Avenue approximately 90 feet easterly from the easterly line of Mendell Street, thence southwesterly and crossing portion of Donner Avenue to a point in the southerly boundary thereof approximately 50 feet easterly from the easterly line of Mendell Street produced.

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 shall be borne by applicant.

(2) Said crossing shall be so constructed that grades of approach not exceeding three (3) per cent shall be feasible in the event that the construction of roadway along said Donner Avenue 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 sixty (60) days submit a certified copy of a franchise or permit from the City and County of San Francisco for the construction of said crossing at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossing shall lapse and shall thereupon become null and void and of not further force and effect.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) 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.

(6) This order is made upon the express condition that Donner Avenue 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.

(7) 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 30th day of March, 1927.

[Signature]

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Commissioners.