

WE:IR

Decision No. 19351

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

_____)
 In the matter of application of South-)
 ern Pacific Company for an order auth-)
 orizing the changing of the grade)
 crossing of its double track Shattuck)
 Avenue line across the single track of)
 the Key System Transit Company at The)
 Alameda and Solano Avenue in the City)
 of Berkeley from a double track to a)
 single track crossing; also the cross-)
 ing of its double track Ninth Street)
 line across the double tracks of the)
 Key System Transit Company at San Pablo)
 and Solano Avenues in the City of Al-)
 bany, from a double track to a single)
 track crossing; also the crossing of)
 its double track Ninth Street line)
 across the single track of The Atchi-)
 son, Topeka and Santa Fe Railway Com-)
 pany near Masonic and Solano Avenues)
 in the City of Albany, from a double)
 track crossing to a single track)
 crossing.)
 _____)

Application No. 13701.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Southern Pacific Company, applicant herein, having on December 20th, 1927, filed with the Commission its Supplemental Application in the above entitled proceeding, asking that Condition (1) on pages 2 and 3 of this Commission's Decision No. 18346, in the above entitled matter, be amended to read as follows:

- (1) a. The entire expense of changing said crossings from double track to single track shall be borne by applicant;
- b. The entire expense of maintaining said crossing at The Alameda and Solano Avenue, after the location of same is changed, shall be borne by the Key System Transit Company;

c. The entire expense of maintaining the crossings at San Pablo and Solano Avenues in the City of Albany, after the location of same has been changed by the applicant, shall be borne as follows:

The Key System Transit Company shall bear the entire expense of maintaining the easterly crossing and the applicant shall bear the entire expense of maintaining the westerly crossing.

Key System Transit Company has signified by letter, dated January 13th, 1928, that it does not object to the granting of said supplemental application, and it appears that this is not a matter in which a public hearing is necessary, and that said supplemental application should be granted, therefore,

IT IS HEREBY ORDERED that Condition (1) on pages 2 and 3 of Decision No. 18346, reading as follows:

(1) The entire expense of changing said crossings from double track to single track, together with the cost of their maintenance thereafter in good and first-class condition, shall be borne by applicant;

be and the same is hereby amended to read as follows:

(1) a. The entire expense of changing said crossings from double track to single track shall be borne by applicant;

b. The entire expense of maintaining said crossing at The Alameda and Solano Avenue, after the location of same is changed, shall be borne by the Key System Transit Company;

c. The entire expense of maintaining the crossings at San Pablo and Solano Avenues in the City of Albany, after the location of same has been changed by the applicant, shall be borne as follows:

The Key System Transit Company shall bear the entire expense of maintaining the easterly crossing and the applicant shall bear the entire expense of maintaining the westerly crossing.

IT IS HEREBY FURTHER ORDERED that the time limit in which applicant shall file agreement with Key System Transit Company and agreement with The Atchison, Topeka and Santa Fe Railway Company, covering the terms of installation, operation, maintenance and protection of said crossings shall be extended to June 30th, 1928.

In all other respects, this Commission's order heretofore entered in the above entitled proceeding, shall remain in

full force and effect.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 8th day
February of ~~January~~ 1928.

Leon Whelan
Chairman

Thos. J. Rafter

M. J. C.

Commissioners.