

Decision No. 19486.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of The County of Alameda, State
of California, a body corporate and
politic, for permission to lay out,
construct and maintain a public road
across the tracks and right-of-way
of the Southern Pacific Railway Com-
pany, a corporation, at grade.

ORIGINAL

Application No. 14,416.

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of Alameda, State of California, filed the above entitled application with this Commission on the 10th day of February, 1928, asking for authority to construct a public road, known as County Road No. 7,412, at grade across the track of Southern Pacific Company, in the vicinity of the Town of Niles as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said track, at the point mentioned in this application, 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 the Board of Supervisors of the

County of Alameda, State of California, to construct County Road No. 7,412 at grade across the track of Southern Pacific Company, at the location hereinafter particularly described and as shown by the map (665-49) attached to the application.

DESCRIPTION OF CROSSING.

COMMENCING at the point of intersection of the northeasterly line of that certain two-acre piece or parcel of land conveyed by the Western Pacific Railroad Company (a corporation) to the County of Alameda by that certain indenture, dated July 6, 1927, and recorded in Volume 1,675 of Official Records, at page 160 thereof, Records of Alameda County, California, with a line drawn parallel to the located center line of the Central Pacific Railway Company and distant southeasterly 50.00 feet, measured at right angles thereto, and running thence along said parallel line South $70^{\circ} 20'$ West, 60.15 feet (the bearing of said parallel line being taken as South $70^{\circ} 20'$ West for the purpose of making this description) to an intersection thereof with the southwesterly line of said two-acre parcel conveyed to the County of Alameda; thence along the southwesterly line of said two-acre parcel North $15^{\circ} 36'$ West, 100.25 feet to an intersection thereof with a line drawn parallel to the aforesaid located center line of the Central Pacific Railway Company and distant northwesterly 50.00 feet, measured at right angles thereto, said point of intersection being also the southeasterly corner of that certain 0.37 acre piece or parcel of land 25 feet in width, conveyed by Southern Pacific Railway Company (a corporation) to Spring Valley Water Company (a corporation) by deed, dated April 5, 1910, and recorded in Volume 1,784 of Deeds, at page 216 thereof, Records of Alameda County, California, and being the fifth parcel thereof; thence along said line drawn parallel to said located center line and distant northwesterly 50.00 feet, measured at right angles thereto, North $70^{\circ} 20'$ East, 60.15 feet to an intersection thereof with the aforesaid northeasterly line of the two-acre parcel conveyed to the County of Alameda; thence along said northeasterly line, South $15^{\circ} 36'$ East, 100.25 feet to the point of commencement.

The above crossing shall be identified as Crossing No. D.A.B.-41.5.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of

the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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) The Commission reserves the right to make such further orders relation 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 ____ day of March, 1928.

Leon Whitall

Charles

Wm. S. Powell

Commissioners.