

Decision No. 20121

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 Powell Street, in the Town of Emeryville, County of Alameda, State of California.

Application No. 14904.

**ORIGINAL**

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 July, 1928, asking for authority to construct a spur track at grade across Powell Street, in the Town of Emeryville, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 971) has been granted by the City Council of said Town 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 Powell 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 Powell Street, in the Town of Emeryville, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (E.B.E.Divn. Draw-

ing 4464) attached to the application.

Description of Crossing

Beginning at a point on the Southerly line of Powell Street, distant thereon Westerly ten (10) feet, more or less, from the westerly line of Green Street; thence northerly in Powell Street on a curve concave to the left with a radius of 229.297 feet an arc distance of 40 feet to a point in Powell Street 8.5 feet Westerly from the projection thereof southerly of the Westerly line of Green Street, and thence continuing northerly across Powell Street tangent to the last named course and parallel to the southerly projection of the westerly line of Green Street, a distance of 30 feet to a point on the northerly line of Powell Street; said point being seventy (70) feet, more or less, from the point of beginning.

The above crossing shall be identified as a portion of Crossing No. KA-72.1.

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

(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 constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by Standard crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable 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) 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 16<sup>th</sup> day of August, 1928.

Leon Whitell

C. Seamy

Frank L. Lott

W. A. C.

Commissioners.