

Decision No. 20571

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of The Atchison, Topeka and Santa  
Fe Railway Company, a corporation,  
for authority to construct a spur  
track across Haven Street, in the  
Town of Emeryville, California.

Application No. 15231.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 28th day of November, 1928, asking for authority to construct a spur track at grade across Haven Street, in the Town of Emeryville, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 999) 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 Haven 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 The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Haven Street, in the Town of Emeryville, County of Alameda, State of

California, at the location hereinafter particularly described and as shown by the map (Division Engineer's No. T-6-136) attached to the application.

Description of Crossing

Beginning at a point in the center line of an existing track of The California, Arizona and Santa Fe Railway Company, said point lying 335.73 feet southerly from the southern line of Park Avenue, and 43.71 feet westerly from the western line of Haven Street; thence northeasterly on a curve concave to the southeast, having a radius of 881.95 feet, a distance of 45.09 feet; thence northeasterly on a curve concave to the southeast having a radius of 287.94 feet a distance of 18.06 feet to a point on said western line of Haven Street; said point lying 295.35 feet southerly from the southern line of Park Avenue, measured on and along said western line of Haven Street; thence continuing northeasterly on last mentioned curve, over and across said Haven Street, a distance of 68.25 feet to a point on the eastern line of said Haven Street, said point lying 262.32 feet southerly from said southern line of Park Avenue, as measured on and along said eastern line of Haven Street; thence continuing northeasterly on last mentioned curve across private property, 109.75 feet; thence northeasterly parallel with and distant 241.5 feet southerly from said southern line of Park Avenue 162.33 feet to end.

The above crossing shall be identified as a portion of Crossing No. 2K-11.2-C.

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 so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said Haven 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) This order is made upon the express condition that Haven 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.

(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) 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 10<sup>th</sup> day of December, 1928.

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*C. Seaver*  
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*Thos. J. Houtch*  
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*M. L. ...*  
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Commissioners.