

Decision No. 21207 .

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 in, along
and across a portion of 41st Street
and a portion of Seaver Avenue, and
across Meeker and Syndicate Avenues,
in the City of Richmond, County
of Contra Costa, State of California.

Application No. 13,818.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER.

Southern Pacific Company, applicant herein, having on May 16, 1929, filed its Supplemental Application in the above entitled proceeding asking for authority to construct a spur track along and across 41st Street and a portion of Seaver Avenue and across Meeker and Syndicate Avenues in the City of Richmond, in lieu of and in place of the portion of that certain drill track located between 41st and 46th Streets in said City of Richmond, authorized under this Commission's Decision No. 18536, dated June 21, 1927. The necessary franchise or permit (Resolution No. 2052) has been granted by the City Council of said city for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this supplemental application with said above mentioned streets and that this supplemental application should be granted subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that that portion of Decision No. 18,536, dated June 21st, 1927, granting authority to Southern Pacific Company to construct a spur track across Syndicate Avenue 41st, 42nd, 43rd, 44th and 46th Streets and in and along Seaver Avenue and described as follows:

BEGINNING at a point in the easterly line of 46th Street in the City of Richmond distant thereon 201.9 feet more or less southwesterly from the intersection of the said easterly line of 46th Street with the southwesterly line of Meeker Avenue; thence in a northwesterly direction on the arc of a curve concave to the right having a radius of 318.64 feet across 46th Street and continuing on the same curve into Seaver Avenue to a point in the center line of said Seaver Avenue, distant thereon northwesterly from the intersection of said center line of Seaver Avenue with the northwesterly line of 46th Street produced across Seaver Avenue a distance of 135 feet more or less; thence continuing northwesterly along the center line of Seaver Avenue a distance of 137.7 feet more or less to a point; said point being southeasterly 113 feet more or less measured along the said center line of Seaver Avenue from its intersection with the easterly line of 44th Street produced across Seaver Avenue; thence on the arc of a curve concave to the left having a radius of 382.25 feet a distance of 165.8 feet more or less, across 44th Street to a point in the center line of Seaver Avenue distant thereon westerly 7.4 feet more or less from the intersection of said center line with the westerly line of said 44th Street produced across Seaver Avenue; thence following the center line of Seaver Avenue a distance of 771.3 feet, more or less, crossing 43rd Street, 42nd Street and 41st Street to a point 28.7 feet, more or less, measured along said center line of Seaver Avenue from its intersection with the westerly line of 41st Street produced across Seaver Avenue; thence on the arc of a curve concave to the left having a radius of 573.14 feet a distance of 194.6 feet, more or less, across Syndicate Avenue to a point in the center line of Seaver Avenue distant thereon westerly 73 feet, more or less, from the intersection of said center line with the westerly line of Syndicate Avenue,

be and the same is hereby revoked.

In all other respects this Commission's orders heretofore entered in the above entitled proceeding shall remain in full force and effect.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across a portion of 41st Street and Seaver Avenue and across Meeker and Syndicate Avenues in the

City of Richmond, County of Contra Costa, State of California, at the locations hereinafter particularly described and as shown by the map, Western Division Drawing No. S-548; sheet No.2-Revised, attached to the supplemental application.

DESCRIPTION OF CROSSINGS

Beginning at a point in the northerly line of Seaver Avenue in the City of Richmond, distant 103.7 feet westerly as measured along the said northerly line from its intersection with the center line of 41st Street; thence running from said point of beginning in a southwesterly direction along the arc of a curve concave to the right and having a radius of 286.843 feet (tangent to said curve at said point of beginning bears North 71°31' East) over and along Seaver Avenue and across Syndicate Avenue an arc distance of 86.3 feet to a point in the center line of Seaver Avenue; thence South 88°45' West along the center line of Seaver Avenue a distance of 72 feet, more or less, to a point in the center line of track in Seaver Avenue described in that certain franchise or permit (Resolution No. 1883) granted to the Southern Pacific Company by the City of Richmond on January 24, 1927.

Beginning at a point in the western line of 41st Street (formerly known as Oak Avenue) in the City of Richmond, as said line is laid down on that certain map entitled "Map of Keystone Business Blocks" filed June 1, 1912, in the Records of Contra Costa County, California; distant 115.6 feet more or less northeasterly as measured along the said western line of 41st Street from the intersection of said western line of 41st Street and the northern line of Meeker Avenue; thence running from said point of beginning southwesterly along the arc of a curve concave to the right and having a radius of 286.843 feet (tangent to said curve at said point of beginning bears North 6°29' East) an arc distance of 73.8 feet to a point; thence South 21°13' West (tangent to last described curve) crossing Meeker Avenue and along the center line of 41st Street a distance of 403.3 feet, more or less, to a point; thence leaving the center line of 41st Street and running along the arc of a curve concave to the right and having a radius of 286.843 feet (tangent to said curve at the last mentioned point is the last described course) an arc distance of 120.6 feet to a point in the western line of 41st Street, distant 99.4 feet, more or less, northeasterly as measured along the western line of 41st Street from the intersection of the said western line of 41st Street and the northern line of Seaver Avenue.

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

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadways and with grades of approach not exceeding three (3) per cent; shall be protected by Standard No. 1 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.


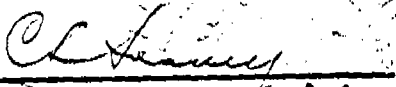

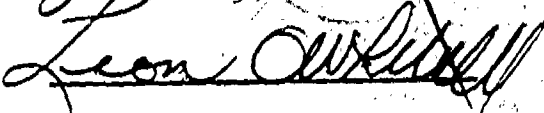
(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings 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 crossings 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 10th day of June, 1929.

Commissioners.