

Decision No. 21307

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track along and across a portion of 38th Avenue, in the City of Oakland, County of Alameda, State of California.</p>

Application No. 15737.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 20th day of June, 1929, asking for authority to construct a spur track at grade across a portion of 38th Avenue, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 4181 N.S.) has been granted by the City Council of said City 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 38th Avenue 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 a portion of 38th Avenue, in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Western Division Drawing S-575, Sheet No. 1) attached to the application.

Description of Crossing

COMMENCING at the intersection of the southern line of East 10th Street and the Western line of 38th Avenue; thence southwesterly along the said western line of 38th Avenue, a distance of 352 feet, more or less, to a point in the center line of the spur track to be described; thence southeasterly along the arc of a curve concave to the right, the radius of which is 286.84 feet, an arc distance of 16 feet, more or less to a point; thence continuing southeasterly tangent to said curve at the last described point a distance of 11.5 feet, more or less, to the northern right-of-way line of the Central Pacific Railway Company.

The above crossing shall be identified as a portion of Crossing No. D-10.1-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 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 that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; shall be protected by a Standard No. 1 crossing sign, 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 28th day of June, 1929.

Thomas L. Sullivan

Clarence

W. W. Deats

Leon Whitell

M. J. C.

Commissioners.