

Decision No. 21490

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of application of SOUTHERN PACIFIC COMPANY, for an order authorizing the construction at grade of a spur track to be operated jointly by Southern Pacific Company and The Western Pacific Railroad Company across 76th Avenue in the City of Oakland, County of Alameda, State of California.

Application No. 15,896.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 26th day of August, 1929, asking for authority to construct a spur track at grade across 76th Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth and to be operated jointly by applicant and Western Pacific Railroad Company. The necessary franchise or permit, Resolution No. 45113 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 76th 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 76th 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 No. E-269, Sheet No. 1 revised) attached to the application.

DESCRIPTION OF CROSSING

BEGINNING at a point in the easterly line of 76th Avenue, in the City of Oakland, County of Alameda, State of California, said point being 21.0 feet, more or less, northeasterly measured along the said easterly line of 76th Avenue from the northerly line of Snell Street, thence northwesterly 31.5 feet, more or less, to a point in the westerly line of 76th Avenue.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. Said crossing shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that the construction of roadway along said 76th Avenue shall hereinafter be authorized and so that said crossing may be suitable for the passage of vehicles and other road traffic.

(2) This order is made upon the express condition that 76th Avenue 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 and travel.

(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) Applicant shall, within ninety (90) days from the date of this order file with this Commission subject to its approval an agreement between Southern Pacific Company and Western Pacific Railroad Company covering joint operation of above mentioned track.

(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 26th day of August, 1929.

W. H. ...

Leon ...

Commissioners.