

Decision No. 21569.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

**ORIGINAL**

In the Matter of the Application  
of The Atchison, Topeka and Santa  
Fe Railway Company, a corporation,  
and the Southern Pacific Company,  
a corporation, for authority to  
construct, operate and maintain  
64.53 feet of new track and to re-  
locate 94.0 feet of existing track  
in Haven Street in the Town of  
Emeryville, in the County of Alameda,  
State of California.

Application No. 15,904.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, and the Southern Pacific Company, corporations, filed the above entitled application with this Commission on the 27th day of August, 1929, asking for authority to construct a track at grade across a portion of Haven Street in the Town of Emeryville, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1038) 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 and the Southern Pacific Company to construct a track at grade across a portion of 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 (A.T. and S.F. Ry. Division, Engineer's No. T-956-A) attached to the application.

DESCRIPTION OF CROSSING.

NEW TRACK IN HAVEN STREET:

Beginning at a point in the center line of an existing track of the CA&SF Ry. Co. in the Town of Emeryville, County of Alameda, California, said point lying on the northern line of Park Avenue produced easterly across Haven Street 38.00 feet as measured on and along said northern line of Park Avenue produced easterly from the western line of Haven Street; thence northerly on a curve to the right having a radius of 398.02 feet a distance of 64.53 feet to a point, said point lying 44.67 feet easterly from the western line of Haven Street and 64.33 feet northerly from the northern line of Park Avenue, as shown colored solid red on Division Engineer's Drawing No. T-956-A.

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 applicants.

(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 over said street to public use across said railroad track.

(4) Applicants 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 18<sup>th</sup> day of September, 1929.

Thomas S. Lundy

Franklin  
Leon A. Whittell

W. J. Linn  
Commissioners.