

Decision No. 21741.

## 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 main track and a siding across Carter Street, and a main track across Wells Avenue, in the unincorporated town of Newark, County of Alameda, State of California.

ORIGINAL

Application No. 15667.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 29th day of May, 1929, asking for authority to construct a main line and siding track at grade across Carter Street and a main line track at grade across Wells Avenue in the Town of Newark, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 22886) has been granted by the Board of Supervisors of the said County for the construction of said crossings at grade.

The Commission, on September 18th, 1929, issued its Decision No. 21566, in which decision authority was granted Southern Pacific Company to construct the main line track and siding across Carter Street, as applied for. Attention was called to the fact, however, that Wells Avenue is legally vacated and closed to public travel immediately north of Southern Pacific Company's right-of-way. It appeared that Wells Avenue, also, might reasonably be vacated across the right-of-way of Southern Pacific Company, thus closing the existing crossing, which is of no benefit to the public, and making it unnecessary to apply for an additional crossing at this point. It was provided that the matter of the crossing

of Wells Avenue would be handled by subsequent order.

Southern Pacific Company, by letter of October 16th, 1929, informed the Commission that it had prepared a petition and presented the same to the Board of Supervisors of Alameda County, requesting that Wells Avenue be vacated across its right-of-way, but that the Board of Supervisors had declined to take any action at this time and had stated that it was their desire to hold the matter in abeyance for the present. Inasmuch as Southern Pacific Company is desirous of proceeding with the proposed construction in the immediate future, which construction will not materially alter the conditions as they now exist at the crossing of Wells Avenue, it appears reasonable that the authority to construct the proposed crossing should be granted, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted the Southern Pacific Company to construct a main line track at grade across Wells Avenue, in the unincorporated town of Newark, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Western Division Drawing N-193, Sheet No. 2) attached to the application.

Description of Crossing

CENTERLINE DESCRIPTION FOR MAIN LINE TRACK CROSSING  
TRAVELED WAY AT WELLS AVENUE (C.R.C. #L-30.7).

COMMENCING at a point where the southerly line of Sycamore Street intersects the easterly line of Wells Ave. produced southerly (Wells Avenue between Railroad Avenue and Sycamore Street was closed by Board of Supervisors August 14, 1922); thence southerly along the easterly line of said Wells Ave. produced a distance of 600 feet, more or less, to a point in a standard #10 L.H. turnout; thence westerly along said left hand turnout a distance of 34 feet, more or less, to a point on the easterly edge of the traveled way in Railroad Ave., said point being the actual point of beginning; thence continuing westerly along the above mentioned turnout a distance of 12 feet, more or less, to a point on the westerly edge of said traveled way.

The above crossing shall be identified as a portion of Crossing No. L-30.7.

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 protected by a Standard No. 1 cross-arm sign, as specified in General Order No. 75 of this Commission.

(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 31st day of October, 1929.

Frank L. ...

James ...  
Leon ...

Commissioners.