

Decision No. 22222

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 two spur tracks across  
Elmwood Avenue, in the City of  
Oakland, County of Alameda, State  
of California.

ORIGINAL

Application No. 18476.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 18th day of April, 1930, asking for authority to construct two spur tracks at grade across Elmwood Avenue, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 46309 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 Elmwood 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 two spur tracks at grade across Elmwood 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 F-123) attached to the application.

DESCRIPTION OF CROSSING

"BEGINNING at the intersection of the southerly line of Elmwood Avenue and the easterly line of Lancaster Street; thence easterly along the southerly line of Elmwood Avenue 194.75 feet, more or less, to a point in the center line of the proposed spur track, which is the true point of beginning of this description; thence northerly on the arc of a curve concave to the left having a radius of 409.51 feet, more or less, an arc distance of 9.15 feet, more or less, to a point which is distant 8.21 feet, more or less, measured at right angles, from the said southerly line of Elmwood Avenue; thence northerly tangent to the last mentioned curve at the last mentioned point 6.93 feet, more or less, to a point; thence on the arc of a curve concave to the left and having a radius of 143.42 feet, more or less, an arc distance of 58.95 feet, more or less, to a point in the northerly line of Elmwood Avenue.

"BEGINNING at the intersection of the southerly line of Elmwood Avenue and the easterly line of Lancaster Street; thence easterly along the southerly line of Elmwood Avenue 198.42 feet, more or less, to a point in the center line of the existing drill track; thence northerly parallel to Fruitvale Avenue and along the center line of said drill track 63.50 feet, more or less, to a point in the northerly line of Elmwood Avenue; thence westerly along the northerly line of Elmwood Avenue, 0.75 feet, more or less, to a point in the center line of the proposed spur track which is the true point of beginning of this description; thence southerly on the arc of a curve concave to the right having a radius of 409.51', more or less, an arc distance of 41.20 feet, more or less, to a point which is distant 40.20 feet, more or less, measured at right angles from the northerly line of Elmwood Avenue; thence southerly tangent to the last mentioned curve at the last mentioned point 20.55 feet, more or less, to a point in the southerly line of Elmwood Avenue."

The above crossing shall be identified as a portion of Crossing No. E-9.91.

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 without superelevation and of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by a Standard No. 1 and a Standard No. 2 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-C of this Commission.

(4) Applicant 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 29<sup>th</sup> day of April, 1930.

P. S. Leary

Leon W. Kelly

Paul L. Smith

Commissioners.