Decision No. 22606



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track across Third and Fifth Streets in the City of Sacramento, County of Sacramento, State of California.

APPLICATION NO. 16566

BY THE COMMISSION:

## ORDER

entitled application with this Commission on the 23rd day of May, 1930, asking for authority to construct a drill track at grade across Third and Fifth Streets in the City of Sacramento, County of Sacramento, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 47) has been granted by the City Council of said City for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Third and Fifth Streets, 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 drill track at grade across Third and Fifth Streets in the City of Sacramento,

County of Sacramento, State of California, at the locations hereinafter particularly described and as shown by the map (Sacramento Div'n Drawing S-566) attached to the application. Description of Crossings Third Street Commencing at a point in the center line of proposed drill track, on westerly line of 3rd Street; said point being 481.61 feet southerly from the intersection of southerly line of 1st Avenue and Westerly line of 3rd Street; thence along center line of proposed drill track across 3rd Street in a southeasterly direction, a distance of 86.08 feet to a point on the easterly line of 3rd Street. The above crossing shall be identified as Crossing No. AU-90.75-C. Fifth Street Commencing at a point in the center line of proposed drill track on the westerly line of 5th Street, said point being 609.41 feet southerly from the intersection of the southerly line of 1st Avenue and westerly line of 5th Street; thence along the center line of proposed drill track across 5th Street, in a southeasterly direction, a distance of 80.0 feet to a point on the easterly line of 5th Street. The above crossing shall be identified as Crossing No. AU-90.90-C. Said crossings to be constructed subject to the following conditions, and not otherwise. (1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant. (2) Said crossings shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission, and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by Standard No. 1 crossing signs, as specified in General Order No. 75 of this Commission, and shall in every -2way 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 crossings.
- (4) If said crossings 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 crossings 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 30 day of

C V Carry

Commissioners