

Decision No. 22689

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of The Atchison, Topeka and Santa
Fe Railway Company, a corporation,
for authority to relocate, operate
and maintain existing tracks in
Haven Street and across Park Avenue
in the Town of Emeryville, County
of Alameda, State of California.

ORIGINAL

Application No. 16724.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 11th day of July, 1930, asking for authority to relocate two spur tracks at grade across a portion of Haven Street and one spur track at grade across Park Avenue, in the Town of Emeryville, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1109) has been granted by the City Council of said town for the relocation 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 Haven Street and Park 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 The Atchison, Topeka and Santa Fe Railway Company to relocate two spur tracks at grade across a portion of Haven

Street and at grade across Park Avenue, in the Town of Emeryville, County of Alameda, State of California, at the locations particularly described in the application and as shown by the map (Division Engineer's Drawing No. T-982-A) attached to the application.

Said relocation of crossings shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of relocating 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 relocation of the crossing of Park Avenue 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 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 one (1) per cent; shall be protected by a Standard No. 1 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) This order, in so far as it refers to the relocation of crossings across a portion of Haven Street, is made upon the express condition that Haven Street is not now actually constructed and open to travel at the respective points of crossing and this order shall not be deemed an authority for the construction of an opening of said street to public use and travel across said railroad tracks. Said tracks shall be constructed across a portion of Haven Street so that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of a grade crossing along said 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.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) 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.

(6) 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 17th day of July, 1930.

Cl. Seaver
Emmery

W. J. Carr
Commissioners.