

Decision No. 22719.

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 proposed drill track,  
 crossover and spur track in and  
 along and across a portion of First  
 Street, in the City of Oakland,  
 County of Alameda, State of Cali-  
 fornia.

**ORIGINAL**

Application No. 16746.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of July, 1930, asking for authority to construct a drill track, crossover and spur track at grade across a portion of First Street and across Harrison Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. Applicant claims the right to construct railroad tracks in said First Street under the provisions of Ordinances Nos. 325 and 312 of the City of Oakland, and by deeds dated October 16, 1869 and January 12, 1912.

Applicant also requests authority to construct the proposed spur track six (6) feet, six (6) inches from the property line of said First Street contrary to the provisions of Paragraph C of Section 2 of the Commission's General Order No. 26-C and has filed with the application a copy of a letter from

the Joint Pole Association stating that said Association has no objection to such waiver.

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 First and Harrison 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, crossover and spur track at grade across a portion of First Street and across Harrison Street in the City of Oakland, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Western Division Drawing 0-1187) attached to the application.

The above crossing of Harrison Street shall be identified as a portion of Crossing No. D-6.9-B.

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. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway, 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 way 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.

IT IS HEREBY FURTHER that permission to deviate from Section 2-C of General Order No. 26-C be granted to Southern Pacific Company in the construction of the spur track along the northeasterly side of First Street in the vicinity of Harrison Street in the City of Oakland authorized herein.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of July, 1930.

Al. Sweeney  
Ernest J. ...  
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Commissioners.