

Decision No. 23519.**ORIGINAL**

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 spur track along
Cypress Street in the City of Oak-
land, County of Alameda, State of
California.

Application No. 16984.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, on October 30, 1930, applied for authority to construct a spur track at grade along Cypress Street in the City of Oakland, County of Alameda, center line of which is nine (9) feet, six (6) inches westerly from the easterly line of said Cypress Street whereas Section 2-C of the Commission's General Order No. 26-C prescribes that the center line of such a track should be at least ten (10) feet from said property line. Applicant requests exemption from said requirement of General Order No. 26-C and files with the Commission a copy of a letter from the Joint Pole Association by Ralph E. Hill, Secretary, dated January 31, 1931, stating that said Joint Pole Association has no objection to the Commission granting said exemption. Applicant also files a permit from the City of Oakland (Resolution No. 47382 N.S.) granting permission to construct said track in Cypress

Street.

It appearing that a public hearing is not necessary herein and that the application should be granted,

IT IS HEREBY ORDERED that Southern Pacific Company is authorized to construct a spur track at grade along a portion of Cypress Street in the City of Oakland, County of Alameda, as set forth in the application, according to the blue print map attached to said application, and said Company is hereby granted exemption from Section 2-C of the Commission's General Order No. 28-C in connection with said track, subject to the following conditions:

- (1) Said track shall not be extended beyond the limits shown on the blue print attached to the application without permission from this Commission.
- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said track and of its compliance with the conditions hereof.
- (3) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (4) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said track as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 16th day of

March, 1931.

Cl. Deane
Leon White
M. J. C.
M. B. K.
T. G. P.
 Commissioners.