

Decision No. 23720.

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 across a portion of Seventh Street, near Fallon Street, in the City of Oakland, County of Alameda, State of California.

**ORIGINAL**

Application No. 17338.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, on April 30th, 1931, applied for authority to construct a spur track at grade across a portion of Seventh Street, near Fallon Street, in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 48361 N.S.) has been granted by the City Council of said City for the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; 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 and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across a portion of Seventh Street, in the City of Oakland, County of Alameda, State of California, at the location more particularly described in the application and as shown by the maps (Western

Division Drawing No. 0-1226, Sheet No.1) attached thereto, subject to the following conditions:

- (1) The above crossing of Seventh Street shall be identified as Crossing No. G-7.35-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding three (3) per cent, and shall be protected by a Standard No. 2 overhead crossing sign as specified in our General Order No.75.
- (4) No train, motor, engine or car shall enter upon said crossing at a speed greater than ten (10) miles per hour and unless traffic on the highway be protected by a member of the train crew, or other competent employee, acting as flagman. After having entered upon the crossing it shall be cleared as quickly as is practicable.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) 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.
- (7) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of May, 1931.

Al. Leary  
M. A. King  
W. B. King  
James G. Stokroff  
 Commissioners.

ORDER ON PETITION FOR RESCISSION

A petition having been filed by East Side Water Users Association, an organization of water users receiving water service from East Side Canal Company, a corporation, asking the Railroad Commission to rescind its Decision No. 23345, dated February 2, 1931, establishing a schedule of interim rates to be charged by said company pending final decision therein, a public hearing having been held thereon after due notice had been given said East Side Canal Company as required under and by virtue of Section 64 of the Public Utilities Act, and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that said petition for rescission of Decision No. 23345 be and it is hereby denied.

Dated at San Francisco, California, this 25<sup>th</sup> day of

May, 1931.

CC Seavey  
Leon Whiskey  
W. A. Linn  
James G. Stewart  
 Commissioners.