Decision No. 24760 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Southern Pacific Company and The Western Pacific Railroad Company for an order authorizing the construction at grade of a spur track across 73rd Avenue and Snell Street in the City of Oakland, County of Alameda, State of California.

Application No. 18106.

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BY THE COMMISSION:

## ORDER

Southern Pacific Company, a corporation, and The Western Pacific Railroad Company, a corporation, on April 22, 1932, applied for authority to construct a spur track at grade across Seventy-third Avenue and Snell Street in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 879 C.M.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 and The Western Pacific Railroad Company are hereby authorized to construct a spur track at grade across Seventy-third Avenue

and Smell 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 map (Western Division Drawing No. E-272, Sheet 3) attached thereto, subject to the following conditions:

- The above crossing shall be identified as (1) a portion of Crossing No. 4-12.0.
- 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 applicants.
- (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 Seventy-third Avenue now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding four (4) per cent, and shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75.
- (4) 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.
- (5) 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.
- 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	Dated at San Francisco, California, this 9 day
of	May , 1932.
	C. Leavery
	Lem Ewhiceso.
	Mr. H Corr
	tred G. Sterkers
	-2- Commissioners.