

Decision No. 25301.

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 County Road No. 1530; also across County Road No. 2041 between Livermore and Eliot, in the County of Alameda, State of California.

Application No. 18494.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on October 28th, 1932, applied for authority to construct a spur track at grade across the Pleasanton-Livermore County Highway (County Road No. 1530) and at grade across Isabel Avenue (County Road No. 2041) in the vicinity of Eliot Station, County of Alameda, State of California. The necessary franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossings at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points 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 the Pleasanton-Livermore Highway (County Road No. 1530) and at grade across Isabel Avenue (County Road No. 2041) in the vicinity of Eliot Station, County of Alameda, State of California, at the locations more particularly described in the application and as shown by the map (Western Division Drawing No. E-331,

Sheet No. 3 revised) attached thereto, subject to the following conditions:

- (1) The crossing of County Road No. 1530 shall be identified as Crossing No. D-45.1-C and the crossing of County Road No. 2041 shall be identified as Crossing No. D-45.8-C.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing of Pleasanton-Livermore Highway (County Road No. 1530) shall be constructed equal or superior to the type shown as Standard No. 3, in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to that portion of said road 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 two (2) Standard No. 1 crossing signs as specified in our General Order No. 75.
- (4) Said crossing of Isabel Avenue (County Road No. 2041) shall be constructed equal or superior to the type shown as Standard No. 2 in our General Order No. 72, and shall be constructed of a width to conform to that portion of said Isabel Avenue now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) per cent and shall be protected by a Standard No. 1 crossing sign as specified in our General Order No. 75.
- (5) Southern Pacific Company and the owner, or owners, of the lands on which the proposed track is to be constructed, and the owner, or owners, of the industry for whose benefit these crossings are authorized shall, before actual construction of said crossings is undertaken, file with this Commission a stipulation, or stipulations, containing provisions that, upon payment to them of a reasonable portion of the cost of constructing said crossings and track, permission will be granted by them to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct a track across such portions of said owners' lands, at a reasonable rental, as may be necessary to reach the property or business of such other person, persons or corporation, and the right to operate cars over same.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (7) 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.
- (8) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 21st day of November, 1932.

C. S. Seaman

Leon W. Aldrich

W. J. Carr

M. B. Harris

Fred G. Stewart
Commissioners.