

Decision No. 10612

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application )  
of Southern Pacific Company for )  
permission to construct a spur )  
track at grade across Fifth Street, )  
in the City of Oakland, County of )  
Alameda, State of California. )

Application No. 7943.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on June 16, 1922, filed with the Commission an application for permission to construct a spur track at grade across Fifth Street in the City of Oakland, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 24104 N.S.) has been granted by City Council of said City of Oakland for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Fifth Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a spur track at grade across Fifth Street in the City of Oakland, County of Alameda, State of California, described as follows:

1.

Beginning at a point in the southerly line of Fifth Street produced easterly and distant thereon 44.8 feet, more or less, easterly from the westerly line of Cypress Street; thence northerly and in a curve concave to the left and having a radius of 573.14 feet, a distance of 80.22 feet to a point in the northerly line of Fifth Street, and distant thereon 9.5 feet westerly from the easterly line of Cypress Street.

all of the above as shown by the map (Drawing No. 0-331) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of Fifth Street now graded, with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe 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 crossing.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order 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 crossing 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.

Dated at San Francisco, California, this 22d day of June, 1922.

H. H. Brundige

Erving Martin  
David A. Smith

J. F. Anderson

Commissioners.