

ORIGINAL

Decision No. 10863

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 ) Application No. 8150.  
45th and 46th Avenues, in the City of )  
Oakland, County of Alameda, State of Calif- )  
ornia. )

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on August 10, 1922, filed with the Commission an application for permission to construct a spur track at grade across 45th and 46th Avenues 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. 24546 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said 45th and 46th Avenues, 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 45th and 46th Avenues in the City of Oakland, County of Alameda, State of California, described as follows:

Crossing at 45th Avenue:

Beginning at a point on the easterly line of 45th Avenue distant 360 feet southerly from the southerly line of East 10th Street; thence crossing 45th Avenue in a northerly direction, a distance of 80 feet, more or less, to a point on the westerly line of 45th Avenue, said point being 304 feet, more or less, southerly from the southerly line of East 10th Street.

Crossing at 46th Avenue:

Beginning at a point on the center line of an existing spur track distant thereon 35 feet, more or less, from the intersection of said center line of existing spur track with the northerly line of 46th Avenue; thence in a northerly direction bearing  $1^{\circ}31'10''$  to the right of aforesaid center line of existing spur track a distance of 16.5 feet to a point; thence on a curve concave to the right with a radius of 268.06 feet a distance of 32 feet, more or less, to a point on the northerly line of 46th Avenue, said point being distant 365 feet from the intersection of 46th Avenue with the westerly line of East 10th Street and distant 48.5 feet from point of commencement.

all of the above as shown by the map (Dwg. S.F. 2-3453) attached to the application; said crossings to be constructed subject to the following conditions, viz:

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of 45th and 46th Avenues now graded, with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs 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 crossings.

