Decision No. 6120.



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of WALKER D. HINES, DIRECTOR GENERAL OF RAILROADS, OPERATING ATCHISON, TOPEKA AND SANTA FE RAILROAD, COAST LINES, for authority to construct a spur track in and along Haven Street in the Town of Emeryville, California, to serve the Western Canning Company.

Application No. 4373.

By the Commission.

## <u>ORDER</u>

WALKER D. HINES, DIRECTOR GENERAL OF RAILROADS, OPERATING ATCHISON, TOPEKA AND SANTA FE RAILROAD, COAST LINES, having on February 10, 1919, filed with the Commission an application for permission to construct a spur track in and along Haven Street in the Town of Emeryville, County of Alameda, State of California, as shown by the map attached to the application; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Board of Trustees of the Town of Emeryville has granted its permission for the necessary construction to be made; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said street, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted WALKER D. HINES, DIRECTOR GENERAL OF RAILROADS, OPERAT-ING ATCHISON, TOPEKA AND SANTA FE RAILROAD, COAST LINES, to construct

83

a spur track at grade in and along Haven Street in the Town of Emeryville, County of Alameda, State of California, as shown by the map 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 to conform to that portion of the street to be crossed now graded, with grades of approach not exceeding four (4) percent; 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) 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 \_\_\_\_\_ day of February, 1919.

2 .

Commissioners.

64