

ORIGINAL

Decision No. 6815.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 the DIRECTOR GENERAL OF RAILROADS, )  
 operating Atchison, Topeka and Santa )  
 Fe Railroad, Coast Lines, THE ATCHISON, )  
 TOPEKA AND SANTA FE RAILWAY COMPANY )  
 and THE CALIFORNIA, ARIZONA AND SANTA )  
 FE RAILWAY COMPANY for permission for )  
 the extension and realignment of a ) Application No. 5070.  
 spur track heretofore authorized to be )  
 constructed in and along Haven Street )  
 and across Park Avenue, and across )  
 the tracks of the San Francisco-Oakland )  
 Terminal Railways, in the Town of Emery- )  
 ville, California, to serve the plant )  
 of WESTERN CANNING COMPANY. )

By the Commission.

ORDER

DIRECTOR GENERAL OF RAILROADS, operating Atchison,  
 Topeka and Santa Fe Railroad, Coast Lines, THE ATCHISON, TOPEKA  
 AND SANTA FE RAILWAY COMPANY and THE CALIFORNIA, ARIZONA AND SANTA  
 FE RAILWAY COMPANY having on October 25, 1919, filed an application  
 with the Commission for permission to extend and realign a spur  
 track heretofore authorized to be constructed in and along Haven  
 Street and across Park Avenue, and across the tracks of the San  
 Francisco-Oakland Terminal Railways, in the Town of Emeryville,  
 County of Alameda, State of California, as more particularly de-  
 scribed in the application and as shown by the map attached thereto;  
 said spur to serve the plant of the Western Canning Company; it  
 appearing to the Commission that this is not a case in which a pub-  
 lic hearing is necessary; that the Board of Trustees of the Town

of Emeryville has granted its permission for the necessary construction to be made; it appearing that the San Francisco-Oakland Terminal Railways have agreed to the change in location of the crossing at grade of said spur with its tracks; and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said street, avenue and tracks, 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 the DIRECTOR GENERAL OF RAILROADS, operating Atchison, Topeka and Santa Fe Railroad, Coast Lines, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY and THE CALIFORNIA, ARIZONA AND SANTA FE RAILWAY COMPANY, to extend and realign a spur track heretofore authorized to be constructed in and along Haven Street and across Park Avenue, and across the tracks of the San Francisco-Oakland Terminal Railways, in the Town of Emeryville, County of Alameda, State of California, as more particularly described in the application and as shown by the map attached thereto; 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, subject to such agreements as the applicant and the industry and the applicant and the San Francisco-Oakland Terminal Railways may have entered into.

(2) The crossing of Park Avenue shall be constructed of a width and type of construction to conform to that portion of Park Avenue to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by a standard

crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) All engines, trains, motors and cars of applicant and San Francisco-Oakland Terminal Railways shall, before proceeding over the crossing, come to a full stop and ascertain that it is safe to do so, by sending an employee in front of each engine, train, motor and car for that purpose.

(3) 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, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 6<sup>th</sup> day of November, 1919.

H. D. Loveland  
Frank E. Wilson  
H. A. Brundage  
Levi J. Martin  
Commissioners.