

Decision No. 7106.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
the COUNCIL OF THE CITY OF RICHMOND,)
State of California, for an order re-)
quiring the SOUTHERN PACIFIC COMPANY) Application No. 3781.
to enlarge the Macdonald Avenue Sub-)
way in the City of Richmond.)

D. J. Hall, City Attorney, for applicant.
Frank B. Austin for United States Railroad
Administration-Southern Pacific Railroad.
C. W. Durbrow, for Southern Pacific Company,
Corporation.
George E. Harris, for San Francisco-Oakland
Terminal Railways.
William H. Schooler, in propria persona.

MARTIN, Commissioner.

SUPPLEMENTAL OPINION

Decision No. 7029 of January 12, 1920, in the above
matter, contains the following order:

"(3) The City of Richmond shall acquire the
three and one-half lots on the northeast corner of
Nineteenth Street and Macdonald Avenue and shall
grade and pave the subway approaches with grades
not exceeding five (5) per cent, with the exception
of those portions between the street car rails and
two (2) feet outside thereof, which shall be graded
and paved by the San Francisco-Oakland Terminal
Railways, as hereinbefore ordered. The City of
Richmond shall also extend the subway abutment walls,
as required by the changes in grade, and shall do
all the remainder of the work necessary to complete
the subway in accordance with said Plan No. 2."

The acquisition of these lots by applicant is for
the purpose of widening and extending Nineteenth Street, in

order to conform with the plans for reconstruction of the Macdonald Avenue Subway under the tracks of the Southern Pacific Company.

It now appears to applicant that it will not be necessary for the City to acquire all of the aforesaid lots and that only such portions are needed as may be necessary to comply with the order of the Commission. Applicant has, therefore, requested a modification of the order to this extent.

This request should be granted, and I recommend the following form of supplemental order.

SUPPLEMENTAL ORDER

CITY OF RICHMOND, having, on January 24, 1920, made written request for the modification of the original order herein as set forth in the foregoing Supplemental Opinion; it appearing to the Commission that this is not a case in which a public hearing is necessary; the Commission being fully advised in this matter and of the opinion that this request should be granted:

IT IS HEREBY ORDERED, That Condition Three (3) of Decision No. 7029 be and the same is hereby modified to read as follows:

"(3) The City of Richmond shall acquire such portions as are necessary of the three and one-half lots on the northeast corner of Nineteenth Street and Macdonald Avenue and shall grade and pave the subway approaches with grades not exceeding five (5) per cent, with the exception of those portions between the street car rails and two (2) feet outside thereof, which shall be graded and paved by

the San Francisco-Oakland Terminal Railways, as hereinbefore ordered. The City of Richmond shall also extend the subway abutment walls, as required by the changes in grade, and shall do all the remainder of the work necessary to complete the subway in accordance with said Plan No. 2."

The foregoing Supplemental Opinion and Supplemental Order are hereby approved and ordered filed as the Supplemental Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 9th day of February, 1920.

Edwin C. Edgerton
J. H. Howard
Frank R. Horton
J. H. Brundage
James M. Martin
Commissioners.