

Decision No. 7218

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of Director General of Railroads Southern Pacific Railroad, for an Order authorizing the construction of spur track at grade across 47th, 48th, 49th, 50th, 52nd and 53rd Avenues and Vine Street, in the City of Oakland, County of Alameda, State of California.

Application No. 5213.

E. J. Foulds for Southern Pacific Company.
Allen P. Matthew for Western Pacific Railroad Co.
A. J. Treat for Federal Wool Manufacturing Company
Charles L. Brown for protesting property owners of Melrose Station Tract.

Martin, Commissioner.

FIRST SUPPLEMENTAL OPINION.

The Commission rendered its decision No. 7034 in the above entitled matter on January 17, 1920. In its Opinion the Commission said "The Commission feels that the spur track should have been located close to the Western Pacific right of way from 50th Avenue to Vine Street, but has been furnished with information which leads it to believe that it was impossible to obtain right of way for such location and that the right of way secured is the best that can be obtained at this time. . . . It is hoped that the location of the spur can be improved or changed at some future time."

Soon after the decision was rendered, the Western Pacific Railroad Company submitted plans showing an equivalent spur track located on the Western Pacific right of way from

48th Avenue to Vine Street, and stated that they would be willing to install such a joint track and share in the expense. Upon their request, the matter was reopened by the Commission on its own initiative.

At the hearing, held February 10th, the two interested railroad companies stated that they would be able to agree between themselves on an alignment for the spur track, along the lines suggested by the Western Pacific Railroad Company. Thereupon the presiding Commissioner ordered the two railroad companies to hold the necessary consultations and present their plan and agreement to the Commission on February 20, 1920. This was done.

The plan presented by the two companies on February 20th, and filed as Exhibit No. 5, shows the spur as agreed upon, which may be described roughly as follows:

Beginning on the Melrose Line of the Southern Pacific Suburban Lines in 46th Avenue near Engineer's Station 8 +00, thence on a curve to the left to a point nearly opposite Engineer's Station 11+00; thence on a 15 degree curve to the right to a point of crossing with the Western Pacific Main Line, said crossing to be included in the interlocking limits now located at the crossing of the Southern Pacific Melrose suburban line with the Western Pacific main line; thence on a continuation of said curve to the right to a point near the west line of 48th Avenue on the Western Pacific right of way, thence on a tangent along the Western Pacific right of way, and parallel with the main line, and not over 20 feet therefrom to a point between 53rd Avenue and Vine Street. From this point spur tracks are to be constructed across Vine Street to serve the Federal Wool Company and Libby, McNeill and Libby. Also a connection is to be made by the latter spur with the Western Pacific main line near

58th Avenue. That portion of the spur track from the point of beginning to the point of crossing with the Western Pacific main line is to be owned by the Southern Pacific Company. The remainder of the spur track is to be joint track.

The two railroad companies stipulated that certified copies of the agreement entered into by them in regard to the above described spur would be filed with the Commission as soon as executed by the proper officials.

Engineers for the Commission testified that the above described spur was superior in every way to the spur track originally contemplated in this application. The protestants to the original spur track alignment were also satisfied with the alignment of new spur as described above.

FIRST SUPPLEMENTAL ORDER.

The Commission, on its own initiative, having reopened the proceedings in the above entitled matter; the two railroad companies interested having agreed upon an alignment for a spur track, as previously described, which is far superior to the track originally proposed by the United States Railroad Administration, Southern Pacific Railroad; the protestants to the original spur track alignment expressing satisfaction with the alignment of the spur track as agreed upon between the companies and, it appearing to the Commission that the proposed spur track, as agreed upon and above described, should be constructed, rather than the one originally applied for,

IT IS HEREBY ORDERED that the United States Railroad Administration, the Southern Pacific Company and Western Pacific Railroad Company be and the same are hereby authorized to construct a spur track at grade across 46th Avenue, 47th

Avenue, East 10th Street, 48th Avenue, 49th Avenue, 50th Avenue, 51st Avenue, 52nd Avenue, 53rd Avenue, Vine Street or 54th Avenue and 58th Avenue, as agreed upon between the two companies described above and as shown on Exhibit No. 5 filed by the railroad companies, all in the City of Oakland, County of Alameda, State of California.

Permission previously granted the United States Railroad Administration to construct the crossings designated in this matter under Decision 7034 is hereby revoked.

The crossings now granted shall be constructed subject to same conditions as those in the Order of Decision 7034 subject to such terms in regard to the payment of cost of construction as the two railroad companies may agree upon and make part of the certified agreement covering the entire construction of the spur, which shall be filed with the Commission fifteen (15) days after the date of execution.

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.

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

Dated at San Francisco, California, this 8th day of March, 1920.

Edwin P. Edgerton
H. D. Loveland
Frank R. White
H. N. Brundage
Irving Masten
Commissioners.