

Decision No. 8928

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
The Atchison, Topeka and Santa Fe  
Railway Company for permission to  
construct a spur track at grade in  
and along Adeline Street, Town of  
Emeryville, County of Alameda, Cali-  
fornia.

Application No. 6750

ORIGINAL

By the Commission:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having, on April 19, 1921, filed with the Commission an application for permission to construct a spur track at grade in and along Adeline Street in the Town of Emeryville, County of Alameda, 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 has been granted by the Town of Emeryville for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Adeline Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade in and along Adeline Street, Town of Emeryville, Alameda County, California, described as follows:

Commencing at a point in the center line of an existing track of the C.A. & S.F.Ry.Co. in Adeline Street, said point being distant 5 feet northerly along said center line from the northerly line of 41st Street, if produced westerly; thence southerly on the arc of a curve concave to the east, having a radius of 942.29 feet, a distance of 250.96 feet to a point in Adeline Street, said point being distant 5.5 feet westerly at right angles from the easterly line of Adeline Street, at a point in the said easterly line of Adeline Street, which is distant 167 feet, more or less, southerly from the point of intersection of the southerly line of 41st Street and the easterly line of Adeline Street; thence continuing southerly on the arc of a curve concave to the west having a radius of 478.339 feet a distance of 26 feet, more or less, to a point in the easterly line of Adeline Street, said point being distant thereon northerly 104 feet, more or less, from the point of intersection of the northerly line of 40th Street, and the easterly line of Adeline Street; thence continuing southerly on curve and tangent across private property to the end of the proposed track.

All of the above 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 of construction to conform to that portion of Adeline Street now graded, 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 installation of said crossing shall be made within one year from the date of this order unless further time is granted by subsequent order herein and unless so completed within the time specified the authorization herein granted shall lapse and become void.

(4) The Commission shall be notified in writing of the completion of the installation of said crossing.

(5) 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 3<sup>d</sup> day of May, 1921.

H. H. Leland  
H. R. Rundigg  
Henry Martin

Commissioners.