

ORIGINAL

Decision No. 26867.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
JOINT HIGHWAY DISTRICT NO. 13 OF THE
STATE OF CALIFORNIA, a public corpora-
tion, to construct an overhead highway
crossing across the Sacramento Northern
Railway main line track near Temescal
Canyon Reservoir in the City of Oakland,
County of Alameda, State of California,
and in said Joint Highway District, on
the Westerly approach to the Broadway
Low Level Tunnel, a public highway.

Application No. 19313.

BY THE COMMISSION:

O R D E R

Joint Highway District No. 13 of the State of California, on February 15, 1934, applied for authority to construct a public road known as Broadway Low Level Tunnel Road, at separated grades over the main line track of Sacramento Northern Railway, near Temescal Canyon Reservoir, in the City of Oakland, County of Alameda, State of California.

Sacramento Northern Railway, on February 28, 1934, signified, in writing, that it has no objection to the construction of said overgrade crossing.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the overgrade crossing be constructed; and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that Joint Highway District No. 13

of the State of California, is hereby authorized to construct a public road known as the Broadway Low Level Tunnel Road at separated grades over the main line track of Sacramento Northern Railway near the Temescal Canyon Reservoir, in the City of Oakland, County of Alameda, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plans (Exhibits "A," "B," and "C") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 8-10.9-A.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public shall be borne by applicant. The cost of maintenance of the road bed which passes through the structure and the cost of bonding and keeping bonded the electrical transmission system of the railroad shall be borne by Sacramento Northern Railway.
- (3) Applicant shall file, within one hundred and twenty (120) days from the date hereof and prior to the commencement of construction, a set of plans for said crossing, which plans shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

The authority herein granted shall become effective
on the date hereof.

Dated at San Francisco, California, this 12th
day of March, 1934.

W. J. Kearney
Leon Whitely

W. J. Kearney
W. B. Kearney

Commissioners.