

Decision No. 27438.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of Southern Pacific Company, Key System Ltd., and the City of Oakland, acting by and through its Board of Port Commissioners, for an order authorizing said City of Oakland to construct and maintain a proposed spur track across an existing spur track owned by Key System Ltd., in the Port Area, in the City of Oakland, County of Alameda, State of California, and authorizing said Southern Pacific Company and said Key System Ltd., to operate jointly, said proposed spur track to be constructed and maintained by said City of Oakland.

Application No. 19642.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, Key System, Ltd., and the City of Oakland filed a joint application for an order authorizing the City of Oakland to construct and maintain a spur track across an existing spur track owned by the Key System, Ltd., and authorizing Southern Pacific Company and Key System, Ltd., to operate jointly over said track.

The proposed crossing is that of a spur track serving Warehouse "E" in the Oakland Port District with a jointly operated drill track and is located near the intersection of Ferry Street with a private driveway in said Port District known as Pier Street. Because of the purpose for which said spur track is being constructed, it will not be practicable or feasible to install an

undergrade or overhead crossing..

It appearing to the Commission that this is not a matter in which a public hearing is necessary and that the application should be granted,

IT IS HEREBY ORDERED that applicant, City of Oakland, is hereby authorized to construct a spur track at grade across an existing drill track owned by Key System, Ltd., as shown by the blue print attached to the application, subject to the following conditions:

- (1) The entire expense of constructing and maintaining said crossing shall be borne by applicant, City of Oakland.
- (2) All trains, motors, engines or cars of applicants shall stop before proceeding across said crossing and shall not pass thereover until a member of the train crew or other competent employee has gone upon the crossing and has ascertained that it is safe so to do and shall have given a suitable signal to proceed.
- (3) Applicants shall, within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing and of their compliance with the conditions hereof.
- (4) 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.
- (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, public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that applicants, Southern Pacific Company and Key System, Ltd., are hereby authorized to operate jointly over said spur track, subject to the terms of the general agreement filed.

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

Dated at San Francisco, California, this 11th
day of October, 1934.

Leon Whitell

M. B. Kama

Staus A. Edwin

Commissioners