

Decision No. 27540.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construc-
tion at grade of spur track along
and across First Street, in the
City of Oakland, County of Alameda,
State of California.

Application No. 19690.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on November 7, 1934, applied for authority to construct a spur track at grade across a portion of First Street in the City of Oakland, County of Alameda, State of California. Applicant alleges that it and its lessor, Central Pacific Railway Company, have the right, under Ordinance No. 312 N.S., of the City of Oakland, dated August 30, 1912, to construct, maintain and operate said track across First Street.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned; and that the application should be granted,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across a portion of First Street in the City of Oakland, County of Alameda, State of California, at the location more particularly described in the application and as shown by the map (Western Division Drawing O-1402, Sheet No. 2), attached thereto, subject to the following conditions:

- (1) This order is made upon the express condition that First Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of an opening of said street to public use across said spur track. Said track shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that construction of an opening of First Street across said spur track shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.
- (2) Applicant shall remove the spur track shown in yellow on the map (Western Division Drawing O-1402, Sheet No. 2), attached to the application, in so far as it lies in First Street.
- (3) 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.
- (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.

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

Dated at San Francisco, California, this 19th day of November, 1934.

Leon Whitley

W. H. Lee

W. B. Garcia

W. H. Anderson

James R. Kelly

Commissioners.