

Decision No. 28723.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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

Application No. 20476.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on April 10, 1936, applied for authority to construct a spur track at grade across a portion of First Street in the City of Oakland, Alameda County.

Applicant claims it has the right to construct, maintain and operate railroad tracks in said First Street under and by virtue of Ordinance No. 325 of the City of Oakland, approved August 24, 1868, Ordinance No. 312 NS, approved August 30, 1912, deed dated August 16, 1869, and deed dated January 12, 1912.

Said First Street is unimproved and not traveled at the point of crossing.

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 attached thereto, subject to the

the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition shall be borne by applicant.
- (2) 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 one (1) per cent will be feasible in the event that the 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.
- (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 13th day of April, 1936.

W B Davis
Leon Whitney
M J Lee
Walter Brown
Frederick R. Wilson

Commissioners.