

Decision No. 28864.

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 one spur track across Fruitvale Avenue and one spur track across Alameda Avenue, in the City of Oakland, County of Alameda, State of California.

Application No. 20562.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on May 19, 1936, applied for authority to construct spur tracks at grade across Fruitvale and Alameda Avenues in the City of Oakland, Alameda County. The necessary franchise or permit has been granted by the City Council of said city for the construction of said crossings at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide  $\times$  grade separations or to avoid grade crossings at the points mentioned and that the application should be granted,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct spur tracks at grade across Fruitvale and Alameda Avenues in the City of Oakland, County of Alameda, State of California, at the locations more particularly described in the application and as shown by the map attached thereto, subject to the following conditions:

- (1) The above crossing of Fruitvale Avenue shall be identified as Crossing No. H-9.35-C, and that of Alameda Avenue as Crossing No. D-11.20-C.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public shall be borne by applicant.

- (3) Said crossings shall be constructed equal or superior to the type shown as Standard No. 3 in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to those portions of said avenues now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) per cent, and shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75-A.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (5) 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.
- (6) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings, 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 1<sup>st</sup> day of June, 1936.

M. B. Clancy

M. A. Cunn

W. H. C. Cunn

Frank P. Cunn

Commissioners.