

Decision No. 28954.

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 two (2) spur tracks
across Fifth Street, in the City
of Oakland, County of Alameda,
State of California.

Application No. 20644.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on June 29, 1936, applied for authority to construct two spur tracks at grade across Fifth Street in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 4376 C.M.S.) has been granted by the City Council of said city for the construction of said crossing at grade.

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 two spur tracks at grade across Fifth 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 No. O-1494, Sheet 2), attached thereto, subject to the following conditions:

- (1) The above crossing of Fifth Street shall be identified as a portion of Crossing No. D-5.75-C.
- (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.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our general Order No. 72, and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; and shall be protected by a Standard No. 1 Crossing Sign, as specified in our General Order No. 75-A.
- (4) Applicant shall remove the tracks shown in yellow on the map (Western Division Drawing No. O-1494, Sheet No. 2), attached to the application, in so far as they lie in Fifth Street, and shall repair the roadway to conform to the remainder thereof.
- (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.
- (7) 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 30th day of June, 1936.

M. B. Harris

M. J. Carr

Frank R. [Signature]
Commissioners.