

Decision No. 29808

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an order
authorizing the construction at grade
of two spur tracks across the inter-
section of 59th and Landregan Streets,
in the Town of Emeryville, County of
Alameda, State of California.

Application No. 21188

BY THE COMMISSION:

O R D E R

SOUTHERN PACIFIC COMPANY, a corporation, on May 12, 1937, applied for authority to construct two spur tracks at grade across the intersection of 59th and Landregan Streets, in the Town of Emeryville, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 1494) has been granted by the City Council of said Town 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 subject to certain conditions,

IT IS HEREBY ORDERED that SOUTHERN PACIFIC COMPANY is hereby authorized to construct two spur tracks at grade across the

intersection of 59th and Landregan Streets, in the Town of Emeryville, 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. P-307, Sheet No. 2) attached thereto, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing shall be borne by applicant.
- (2) This order is made upon the express condition that 59th Street and Landregan Street are not 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 streets to public use across said spur tracks. Said tracks shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that the construction of an opening of said streets across said spur tracks 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 24th day
of May, 1937.

Leon Campbell
Frank R. Miller
Randolph J. Smith
Ray & Deery
Commissioners.