

ORIGINAL

Decision No. 11936

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of The Western Pacific Railroad)
Company for permission to construct)
a spur track at grade across East) Application No. 8878.
Twelfth Street, in the City of)
Oakland, County of Alameda, State)
of California.)

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, having on April 4, 1923, filed with the Commission an application for permission to construct a spur track at grade across East Twelfth Street in the City of Oakland, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (No. 26119 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said East Twelfth Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track at grade across East Twelfth Street in the City of Oakland, county of Alameda, State of California, described as follows:

Beginning at the point of switch in the center line of The Western Pacific Railroad Company's main line of railroad from San Francisco, California to Salt Lake City Utah, as the same now exists in the City of Oakland, said point being distant northwesterly 560 feet measured along said center line from the northwesterly line of 29th Avenue (Park Avenue); thence in a southeasterly direction with switch and turnout to the left approximately 91 feet; thence on a curve to the left approximately 316 feet to a point 258.5 feet distant measured at right angles from the northwesterly line of said 29th Avenue, and crossing the southwesterly line of East 12th Street approximately 345 feet from the northwesterly line of said 29th Avenue and northeasterly line of said East 12th Street, approximately 285 feet from the said northwesterly line of 29th Avenue; thence in a northeasterly direction 258.5 feet from and parallel to the said northwesterly line of 29th Avenue, a distance of approximately 375 feet to the southwesterly line of East 14th Street, a distance of approximately 782 feet from the the point of beginning,

All of the above as shown by the map (Exhibit "A") attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement,

and with grades of approach not exceeding one (1) per cent; shall be protected by a suitable crossing sign, and shall in every way 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.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order 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, the public convenience and necessity demand such action.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 17th day of April, 1923.

W. H. H. H. H. H.
James H. H. H.
Commissioners.