

Decision No. 17264

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 the
north side of Third Street in the
City of Oakland, Alameda County,
State of California.

Application No. 9119

ORIGINAL

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, "a corporation, having on June 12, 1923, filed with the Commission an application for permission to construct a spur track at grade across Third 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. 26626 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 Third 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 Third 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 northerly main line track, as the same now exists on Third Street; said beginning point being approximately 3 feet easterly of the easterly line of Broadway Street; thence easterly with switch and turnout to the left approximately 80 feet; thence on a curve to the left approximately 44 feet; thence on a curve to the right approximately 77 feet to the point 8-1/2 feet distant southerly of the northerly line of Third Street; thence 8-1/2 feet from and parallel to said northerly line of Third Street, a distance of 18 feet to a point approximately 75 feet westerly of the westerly line of Franklin Street and approximately 219 feet from 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 25th day of June, 1923.

C. Seavey

Edward Shore

J. H. Whittney
Commissioners.