

Decision No. 13228

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

In the matter of application of)
Southern Pacific Company and The)
Western Pacific Railroad Company)
for an order authorizing the cons-)
truction at grade of a spur track) Application No. 9817.
across Seminary Avenue, 66th, 68th,)
69th, 71st, 72d, 73d Avenues, Snell)
Street and 77th Avenue, in the City)
of Oakland, County of Alameda State)
of California.)

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company and The Western Pacific Railroad Company, corporations, having on February 25, 1924, filed with the Commission a joint application, under agreement made June 12, 1920 filed in accordance with decision No. 7218 of Application No. 5213, for permission to construct a spur track at grade across Seminary Avenue, 66th, 68th, 69th, 71st, 72d, 73d Avenues, Snell Street and 77th Avenue 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 (Resolution No. 28,453 N.S.) has been granted by the City Council of said City of Oakland, for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said

Seminary Avenue, 66th, 68th, 69th, 71st, 72d, 73d Avenues, Snell Street and 77th Avenue, 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 Southern Pacific Company and The Western Pacific Railroad Company to construct a spur track at grade across Seminary Avenue, 66th, 68th, 69th, 71st, 72d, 73d Avenues, Snell Street and 77th Avenue, in the City of Oakland, County of Alameda, State of California. The crossings of said streets are described as follows:

Seminary Avenue.

Beginning at a point in the northwestern line of Seminary Avenue in the City of Oakland, County of Alameda, State of California; and distant along said northwestern line of Seminary Avenue 18.0 feet southwesterly from the intersection of the northeastern right of way line of The Western Pacific Railroad Company; thence southeasterly parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 60.0 feet to a point in the southeastern line of Seminary Avenue, and distant thereon 18.0 feet southwestly from the northeastern right of way line of The Western Pacific Railroad Company.

66th Avenue.

Beginning at a point in the northwestern line of 66th Avenue in the City of Oakland, County of Alameda, State of California, and distant along said northwestern line of 66th Avenue 18.0 feet southwestly from the intersection of the northeastern right of way line of The Western Pacific Railroad Company; thence southeasterly parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track a distance of 40.1 feet to a point in the southeastern line of 66th Avenue and distant thereon 18.0 feet southwestly from the northeastern right of way line of The Western Pacific Railroad Company.

68th Avenue.

Beginning at a point in the northwestern line of 68th Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 68th Avenue 79.4 feet southwestly from the southwestern line of Snell Street; thence southeasterly parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 60.18 feet to a point in the southeasterly line of 68th Avenue and distant thereon 74.7 feet southwestly from the southwestern line of Snell Street.

69th Avenue.

Beginning at a point in the northwestern line of 69th Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 69th Avenue 58.9 feet southwesterly from the southwestern line of Snell Street; thence southeasterly, parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's tracks, a distance of 30.09 feet to a point in the southeasterly line of 69th Avenue and distant thereon 56.5 feet southwesterly from the southwestern line of Snell Street.

71st Avenue.

Beginning at a point in the northwestern line of 71st Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 71st Avenue 40.9 feet southwesterly from the southwestern line of Snell Street; thence southeasterly parallel to, and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 60.18 feet to a point in the southeasterly line of 71st Avenue, and distant thereon 36.1 feet southwesterly from the southwestern line of Snell Street.

72d Avenue.

Beginning at a point in the northwestern line of 72d Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 72d Avenue 20.5 feet southwesterly from the southwestern line of Snell Street; thence southeasterly parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track a distance of 30.09 feet to a point in the southeasterly line of 72d Avenue and distant thereon 18.1 feet southwesterly from the southwestern line of Snell Street.

73d Avenue.

Beginning at a point in the northwestern line of 73d Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 73d Avenue 2.5 feet southwesterly from the southwestern line of Snell Street; thence southeasterly, parallel to, and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 60.18 feet to a point in the southeasterly line of 73d Avenue, and distant thereon 2.2 feet northeasterly from the southwestern line of Snell Street.

Snell Street.

Beginning at a point in Snell Street in the City of Oakland, County of Alameda, State of California, said point being distant along the southeasterly line of 73rd Avenue 2.2 feet northeasterly from the southwesterly line of Snell Street; thence southeasterly parallel to and 15 feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 737.8 feet more or less, to the northeastern line of Snell Street and distant thereon 15.5 feet, more or less, southeasterly from the southeastern line of 76th Avenue.

77th Avenue.

Beginning at a point in the northwestern line of 77th Avenue in the City of Oakland, County of Alameda, State of California, said point being distant along said northwestern line of 77th Avenue 14.5 feet northeasterly from the northeastern line of Snell Street; thence southeasterly, parallel to, and 15th feet northeasterly from the center line of The Western Pacific Railroad Company's track, a distance of 50.15 feet to a point in the southeasterly line of 77th Avenue and distant thereon 18.3 feet northeasterly from the northeastern line of Snell Street.

All of the above as shown in red on map (Western Division Drawing M-83 Sheet 3) attached to the application; said crossings to be constructed subject to the following conditions, viz:

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

(2) Said crossings of Seminary, 66th Avenue, 68th Avenue 73d Avenue, 77th Avenue and Snell Street shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach as shown on map accompanying application; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.(3

(3) Said crossings shall be so constructed that grades of approach not exceeding those shown on map attached to the application will be feasible in the event that the construction of roadway along 69th, 71st, 72d, 74th, 75th and 76 Avenues shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(4) Applicant shall, within thirty (30) days thereafter

notify this Commission, in writing, of the completion of the installation of said crossings.

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) This order is made upon the express condition that said 69th, 71st, 72nd, 74th, 75th and 76th Avenues are not now actually constructed and open to travel at the respective points of crossings, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad tracks.

(7) 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, 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 29th day of February, 1924.

C. A. [Signature]
H. M. [Signature]
Dwight [Signature]

J. T. [Signature]
Commissioners.