

Decision No. 13444

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application
of The Western Pacific Railroad
Company for permission to construct
a spur track at grade across Oak
Street and a portion of Third Street,
public highways in the City of Oak-
land, State of California.

Application No. 9947.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the seventh day of April, 1924, asking for authority to construct a spur track at grade across Oak Street and a portion of Third Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 29009) has been granted by the City Council of said City for the construction of said crossings at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide separated grade crossings at the points mentioned in this application, or to avoid grade crossings with said streets and that this application should be granted subject to the conditions hereinafter specified.

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct a spur track at grade across Oak Street and a portion of Third Street in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point in the center line of the main line track of The Western Pacific Railroad Company, as the same now exists along and upon Third Street, in the City of Oakland, County of Alameda, State of California; said

beginning point being distant 81.5 feet southeasterly of the southeasterly line of Oak Street; thence westerly, with switch and turn-out to the left approximately 90 feet to a point; thence continuing westerly on a curve to the left approximately 40 feet to a point, crossing said southeasterly line of Oak Street approximately 28 feet northeasterly of the southwesterly line of said Third Street; thence continuing westerly, tangent to said curve, approximately 22 feet to a point; thence on a curve to the right approximately 48 feet to a point, crossing the northwesterly line of said Oak Street approximately 12 feet northeasterly of said southwesterly line of Third Street; thence northwesterly, tangent to said curve, 8.5 feet from and parallel to said southwesterly line of Third Street, approximately 158 feet to the point of termination; a total length of approximately 358 feet from the point of beginning.

All of the above as shown by the map entitled Exhibit "A" and 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 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 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 crossings.

(4) If said crossing 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.

(5) 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 21st day of April, 1924.

C. L. Seaver
H. B. Brundage
Dwight Masters

J. T. Whittney
Commissioners