

Decision No. 13445

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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

Application No. 9948

BY THE COMMISSION:

ORIGINAL

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 Alice 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 29052) 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 Alice 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, distant thereon approximately 116.0 feet southeasterly from the southeasterly line of Alice Street; thence northwesterly, with switch and turn-out to the left, approximately 95.0 feet to a point; thence continuing northwesterly on a curve to the left, approximately 45.0 feet to a point crossing said southeasterly line of Alice Street approximately 20.0 feet northeasterly of the southwesterly line of Third Street; thence continuing northwesterly on a curve to the right approximately 75.0 feet to a point distant 8.5 feet northeasterly, measured at a right angle from said southwesterly line of Third Street, crossing the northwesterly line of said Alice Street approximately 10.0 feet northeasterly of said southwesterly line of Third Street; thence continuing northwesterly tangent to said curve 8.5 feet from and parallel to said southwesterly line of Third Street, approximately 184.0 feet to the point of termination, said point being in the center line of the track known as the "Union Hide Co. Spur;" a total length of 399.0 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 two (2) 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 in-

stallation of said crossings.

(4) 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.

(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. Seaver  
H. B. ...  
Irving ...

J. T. Whitting  
Commissioners.