

Decision No. 13738.

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 Clay)
Street and a portion of Third Street,)
public highways in the City of Oakland,)
State of California.)

Application No. 10197.

ORIGINAL

BY THE COMMISSION:

O R D E R.

Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 17th day of June, 1924, asking for authority to construct a spur track at grade across Clay Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 29640 New Series) has been granted by the City Council of said City of Oakland for the construction of said crossing 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 a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said Clay Street, 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 Western Pacific Railroad Company to construct its spur track at grade across Clay Street, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at the end of The Western Pacific Railroad Company's spur track now serving the Albers Bros. Milling Company, said point being at or near the westerly line of Clay Street in the City of Oakland, County of Alameda, State of California, distant on said

westerly line of Clay Street approximately 10 feet southerly from the northerly line of Third Street; thence in an easterly direction approximately 80.5 feet to a point in the easterly line of said Clay Street, distant thereon approximately 10 feet southerly from the said northerly line of Third Street; thence continuing in an easterly direction approximately 10 feet from and parallel with said northerly line of Third Street approximately 200 feet to a point of connection with The Western Pacific Railroad Company's spur track serving the Cobbledick-Kibbe Glass Company.

All of the above as shown in yellow on the map attached to the application and marked Exhibit "A", 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 Clay 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) 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.

IT IS HEREBY FURTHER ORDERED that the existing crossing at grade of the northerly portion of Third Street between Clay and Washington Streets by the spur track shown in red on the map attached to the application and marked Exhibit "A" shall be removed and that portion of Third Street occupied by said spur track shall be reconstructed to conform to adjoining portion of said street.

IT IS HEREBY FURTHER ORDERED that 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 23 day of June, 1924.

C. L. Seavey
H. P. Brundage
Irving Martin

