

Decision No. 14688.

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 team track at grade across Derby Avenue, and to relocate a team track at grade across Thirty-first Avenue, said Derby Avenue and Thirty-first Avenue being public streets in the City of Oakland, County of Alameda, State of California.

ORIGINAL

Application No. 10929.

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 seventeenth day of March, 1925, asking for authority to construct a team track at grade across Derby Avenue and relocate a track across Thirty-first Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 31776 N. S.) 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Derby Avenue and Thirty-first Avenue 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 team track at grade across Derby Avenue and relocate a track across Thirty-first Avenue in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at point of switch in the center line of the passing track of the Western Pacific Railroad Company, said point being distant northwesterly thereon approximately 145 feet from the northwesterly line of Derby Avenue; thence easterly with switch and turn-out to the left, approximately 158 feet to a point, crossing said northwesterly line of Derby Avenue approximately 60 feet southwesterly of the southwesterly line of East Twelfth Street; thence continuing easterly, tangent to said curve, approximately 162 feet, crossing the southeasterly line of said Derby Avenue approximately 47 feet southwesterly of the southwesterly line of said East Twelfth Street; thence on a curve to the right approximately 100 feet to a point distant approximately 8.5 feet southwesterly of the southwesterly line of said East Twelfth Street; thence southeasterly, distant 8.5 feet from and parallel with said line of said East Twelfth Street, and approximately along the location of the existing spur track, a distance of 200 feet, more or less, to the point of termination; being a total length of approximately 620 feet,

and as shown by the map (Exhibit "A") 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 avenues now graded, with the tops 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 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 24th day of March, 1925.

H. K. Brundage

C. L. Seaver

George D. Squires

Commissioners.