

Decision No. 14706

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of the Western Pacific Railroad )  
Company for permission to con- )  
struct a spur track at grade )  
along and across Third Street, )  
and across Adeline and Magnolia )  
Streets, public streets in the )  
City of Oakland, County of Alameda, )  
State of California. )

Application No. 10922.

ORIGINAL

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 13th day of March, 1925, asking for authority to construct a spur track at grade across and along Third Street and across Adeline and Magnolia Streets in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 31744 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 Third, Adeline and Magnolia 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 and along Third Street and across Adeline and Magnolia Streets, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point of switch in the center line line of the Third Street track of The Western Pacific Railroad Company distant thereon approximately 124 feet westerly of the westerly line of Chestnut Street extended southerly; thence northwesterly with switch and turn-out to the right, approximately 132 feet; thence on a curve to the left approximately 89 feet, crossing the easterly line of Adeline Street approximately 25 feet southerly of the northerly line of Third Street, also crossing the westerly line of Adeline Street 10.2 feet southerly of the northerly line of said Third Street; thence 10 feet from and parallel with the northerly line of said Third Street approximately 249 feet; thence on a curve to the right approximately 113 feet to a point of junction with existing track, crossing the easterly line of Magnolia Street approximately 9.8 feet southerly of the northerly line of said Third Street, being a total of approximately 563 feet;

and as shown by the map 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 tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; 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) 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 authoriza-

tion 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 on the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of March 1925.

H. H. Brundage  
Chairman

George D. Squires  
Commissioner

Commissioners.