

Decision No. 14742.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track across a portion of First Street, in the City of Oakland, County of Alameda, State of California.

Application No. 10945.

BY THE COMMISSION:

O R D E R.

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 24th day of March, 1925, asking for authority to construct a spur track at grade across a portion of First Street and at grade across Oak Street, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchises or permits (Ordinance 325; Ordinance 312 N.S. and certain deeds), have been granted by the City Council of said City of Oakland 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 First Street and said Oak 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 Southern Pacific Company to construct a spur track at grade across a portion of First Street and at grade across Oak Street, in the City of Oakland, County of Alameda, State of California, as follows:

BEGINNING at a point in the center line of the existing northerly track on First Street in the City of Oakland, State of California, said point being more particularly described as being distant 35 ft. southerly at right angles from a point in the northerly line of First Street, which said point is distant along said northerly line of First Street a distance of 214 ft. more or less westerly from the westerly line of Oak Street; thence from said point of beginning northeasterly through a standard No. 10 turnout a distance of 80.4 feet to a point; thence easterly and bearing $5^{\circ} 44'$ northerly with the northerly line of First Street a distance of 10 ft. to a point; thence on a curve to the left having a radius of 3246 ft. (whose tangent at the last described point is the last described course) a distance of 36 ft. more or less to a point which is distant 25 ft. more or less southerly from a point in the northerly line of First Street, which said point is distant along the said northerly line of First Street 88 ft. more or less westerly from the westerly line of Oak Street; thence continuing easterly and bearing $6^{\circ} 22'$ northerly with the northerly line of First Street a distance of 133 ft. more or less to a point; thence on a curve to the left having a radius of 272.9 ft. (whose tangent at the last described point is the last described course), a distance of 54 ft. more or less to a point in the aforesaid northerly line of First Street, and distant thereon 16 ft. more or less easterly from the easterly line of Oak Street, the above described line being the center line of a railroad spur track,

and as shown by the map (Western Division; Drawing O-613, Sheet 2 revised; W.D.8836) 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) The existing spur track crossing of Oak Street, distant approximately forty-seven feet northerly of the crossing granted herein, shall be removed and that portion of Oak Street shall be restored to conform to Oak Street adjacent thereto and as now graded and improved.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) 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.

(6) 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 4th day of April, 1925.

H. H. Brundage
C. Leary
Ernest Shore
George D. Quinn
Commissioners