

ORIGINAL

Decision No. 14966

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 41st Avenue,)
a public street in the City of)
Oakland, County of Alameda, State)
of California.)

Application No. 11103.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 13th day of May, 1925, asking for authority to construct a spur track at grade across 41st Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 32324 N.S.) 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 grade separation, or to avoid a grade crossing at the point mentioned in this application with said 41st 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 spur track at grade across 41st 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 main line track of The Western Pacific Railroad Company, distant thereon approximately 123.0 feet northwesterly of the northwesterly line of 41st Avenue; thence in a southeasterly direction, with switch and turnout to the left approximately 95 feet; thence on a 20° curve to the right, approximately 25 feet to a point, crossing the northwesterly line of said 41st Avenue approximately 160.0 feet southerly of the southerly line of East Twelfth Street; thence on a tangent in a southeasterly direction parallel with said line of East Twelfth Street a distance of approximately 183 feet to the westerly line of 42d Avenue, crossing the southeasterly line of said 41st Avenue approximately 160.0 feet southerly of the southerly line of said East Twelfth Street;

and as shown by the map (C. E. 1178 marked Exhibit "A") attached to the application; 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 41st Street 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 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.

(5) 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.

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

Dated at San Francisco, California, this 21st day of May, 1925.

H. A. Brundage
C. Weaver
Ernest Shore

Commissioners