

Decision No. 15398

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
across Linden and Chestnut Streets,
and a spur track at grade across
Chestnut Street, public streets in
the City of Oakland, County of Ala-
meda, State of California.

ORIGINAL

Application No. 11652.

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 28th day of August, 1925, asking for authority to construct a spur track at grade across Linden and Chestnut Streets and a spur track at grade across Chestnut Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 33463) has been granted by the City Council of said City for the construction of said crossing at grade. 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 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 Linden and Chestnut Streets and a spur track at grade across Chestnut Street, in the City of Oakland, County of Alameda, State of California, as follows:

No. 1: Beginning at a point on the center line of The Western Pacific Railroad Company's passing track, said point being distant westerly at right angles 83 feet, more or less, from the westerly line of Filbert Street and distant southerly at right angles 10 feet, more or less, from the southerly line of Third Street; thence in a general southwesterly direction with a turnout to the right 75 feet, more or less, to a point; thence in a southwesterly direction, on a curve to the left, for a distance of 245 feet, more or less, crossing the easterly line of Linden Street 80 feet, more or less, southerly from the southerly line of Third Street and the westerly line of Linden Street 130 feet, more or less, southerly from the southerly line of Third Street; thence in a southwesterly direction on a tangent for a distance of 130 feet, more or less, to a point; thence in a southwesterly direction on a curve to the right for a distance of 290 feet, more or less, the point of termination, crossing the easterly line of Chestnut Street 90 feet, more or less, northerly from the northerly line of First Street and the westerly line of Chestnut Street 60 feet, more or less, northerly from the northerly line of First Street.

No. 2: Beginning at a point on the center line of the above described spur track No. 1, said point being distant easterly at right angles 85 feet, more or less, from the easterly line of Chestnut Street and distant northerly at right angles 165 feet, more or less, from the northerly line of First Street; thence in a general southwesterly direction with a turnout to the right 80 feet, more or less, to a point; thence in a southwesterly direction on a curve to the right for a distance of 145 feet, more or less, to the point of termination, crossing the easterly line of Chestnut Street 103 feet northerly, more or less, from the northerly line of First Street and the westerly line of Chestnut Street 75 feet northerly, more or less, from the northerly line of First Street.

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 at Chestnut Street shall be constructed substantially in accordance with Standard No. 1 and said crossing at

Linden Street shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission and shall be constructed of a width 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 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 16th day of September, 1925.

W. A. Anderson
C. S. ...
George W. Squires
Edward ...
Leon Whitell
Commissioners.