

Decision No. 15399

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 Ninth and Tenth Avenues,
public streets in the City of
Oakland, County of Alameda, State
of California.

Application No. 11653.

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 28th day of August, 1925, asking for authority to construct a spur track at grade across Ninth and Tenth Avenues, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 33462) has been granted by the City Council of said City for the construction of said crossings 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 Ninth and Tenth Avenues 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 Ninth and Tenth Avenues in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point on the center line of the main line track of The Western Pacific Railroad Company, said point being distant westerly at right angles 15 feet, more or less, from the easterly line of Tenth Avenue and distant southerly at right angles 20 feet, more or less, from the southerly line of East Tenth Street, produced easterly; thence in a general westerly direction with a turnout to the right 90 feet, more or less, to a point, crossing the westerly line of Tenth Avenue 40 feet, more or less, southerly from the southerly line of East Tenth Street; thence continuing in a westerly direction 70 feet, more or less, to a point; thence in a westerly direction on a curve to the right for a distance of 140 feet, more or less, to a point 98.5 feet, more or less, southerly from and at right angles to the southerly line of East Tenth Street; thence in a westerly direction 98.5 feet, more or less, southerly from and parallel with said southerly line of East Tenth Street, crossing Ninth Avenue, for a distance of 420 feet to the easterly line of Eighth Avenue.

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 crossing at Ninth Avenue 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 that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding four (4) 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. Said crossing at Tenth Avenue shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said Tenth Avenue shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

