

ORIGINAL

Decision No. 16866

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 East Twelfth
Street, a public street in the City
of Oakland, County of Alameda, State
of California.

Application No. 12871.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 22nd day of May, 1926, asking for authority to construct a spur track at grade across East Twelfth Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 36184 N.S.) has been granted by the City Council of said City of Oakland 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 a grade separation, or to avoid a grade crossing at the point mentioned in this application with said East Twelfth 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 The Western Pacific Railroad Company to construct a spur track at grade across East Twelfth Street, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point of connection with the "Fruitvale Passing Track" of the applicant, said point being approximately 70 feet westerly from the westerly line of 29th Avenue and approximately 70 feet southerly from the southerly line of East 12th Street; thence in a general northerly direction with turnout to the right approximately 65 feet; thence on a curve to the right, having a radius of 191.53 feet a distance of approximately 255 feet, crossing the southerly line of said East 12th Street approximately 235.0 feet westerly from the westerly line of said 29th Avenue, and the northerly line of said East 12th Street, approximately 270 feet westerly from the westerly line of said 29th Avenue; thence northerly tangent to said curve a distance of approximately 300 feet to the point of termination;

and as shown by the map (Exhibit "A") attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 equal or superior to type shown as Standard No. 4, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said East Twelfth Street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one and one-half (1 1/2) 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 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 9th day of June, 1926.

Hot Brouniger

Ernest West

Leon Whitely

Commissioners.