

Decision No. 17005

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 Market
Street and across a portion of Third
Street, public streets in the City
of Oakland, County of Alameda, State
of California.

Application No. 12943.

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 14th day of July, 1926, asking for authority to construct a spur track at grade across Market Street and a portion of Third Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 36398 N.S.) 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 Market Street and Third 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 Market Street and a portion of Third Street in the City of Oakland, County of Alameda, State of

California, as follows:

Beginning at a point in the center line of the main line of said railroad as the same now exists on Third Street, Oakland, California, said point being approximately 90 feet easterly from the easterly line of Market Street; thence in a general westerly direction with turnout to the left approximately 85 feet; thence crossing Market Street on a curve to the left having a radius of 358.39 feet a distance of approximately 45 feet; thence on a curve to the right having a radius of 358.39 feet a distance of approximately 49 feet to a point distant 10 feet northerly at a right angle from the southerly line of said Third Street; thence in a general westerly direction 10 feet northerly from and parallel with said southerly line of Third Street a distance of approximately 130 feet;

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

(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 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 those portions of said streets now graded, with the tops of rails at same elevation as main line rails and 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 20th day of June, 1926.

H. P. ...
C. ...
E. ...

Commissioners.