

Decision No. 17136

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the City of Oakland to extend  
and construct 92nd Avenue across  
the tracks of The Western Pacific  
Railroad Company.

ORIGINAL

Application No. 12948.

BY THE COMMISSION:

O R D E R

The City Council of the City of Oakland, County of Alameda, State of California, filed the above entitled application with this Commission on the 16th day of June, 1926, asking for authority to construct 92nd Avenue at grade across the tracks of The Western Pacific Railroad Company in said city, as herein-after set forth. Said Western Pacific Railroad Company has signified by letter that it has no objection to 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 with said tracks at the point mentioned in this application, and that this application should be granted, subject to the conditions herein-after specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City Council of the City of Oakland, County of Alameda, State of California, to construct 92nd Avenue at grade across the tracks of The Western Pacific Railroad Company, as

shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Western Pacific Railroad Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Western Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet or not more than sixty (60) feet and at an angle of approximately seventy-six (76) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 3-A as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed and maintained for the protection of said crossing. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission. The entire expense of installing said automatic flagman shall be borne by applicant and its maintenance thereafter shall be borne by The Western Pacific Railroad Company.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) 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.

(6) 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 19<sup>th</sup> day  
of July, 1926.

H. B. Mendige

A. L. Secor

Ernest A. Smith

\_\_\_\_\_

\_\_\_\_\_

Commissioners.