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Decision No. ~~11100~~

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 Ninth Avenue,) Application No. 13009.
a public street in the City of Oakland,)
County of Alameda, State of California.)

BY THE COMMISSION:

ORIGINAL

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 6th day of July, 1926, asking for authority to construct a spur track at grade across Ninth Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 36677 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 a grade separation, or to avoid a grade crossing at the point mentioned in this application with said Ninth Avenue 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 Avenue, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point in the center line of an existing spur of The Western Pacific Railroad Company, said point being approximately 50 feet westerly from the west line of 10th Avenue, and 50 feet southerly from the south line of East 10th Street; thence in a general southwesterly direction along a turnout to the left approximately 70 feet; thence along a curve to the left having a radius of 1146.28 feet a distance of approximately 150 feet to a point 20 feet northwesterly, at right angles, from the center line of the main track of The Western Pacific Railroad Company; thence continuing in a general southwesterly direction along a curve to the left having a radius of 5729.65 feet, 20 feet distant from and parallel with said center line, crossing the easterly line of 9th Avenue, approximately 182 feet southerly thereon, from the southerly line of East 10th Street and crossing the westerly line of 9th Avenue, approximately 220 feet southerly thereon from the southerly line of East 10th Street, a distance of approximately 480 feet to a point on the easterly line of 8th Avenue, approximately 410 feet southerly thereon from the southerly line of East 10th Street;

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 substantially in accordance with Standard No. 2-B, 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 avenue now graded, with the tops of rails at elevation as indicated on Exhibit "A" and flush with the pavement, and with grades of approach not exceeding three

(3) 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.

(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 27th day of

July, 1926.

H. R. Randall
C. Seaver
Francis J. ...
Wm. S. ...

Commissioners.