

Decision No. 17600

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of The
Western Pacific Railroad Company for
permission to construct a spur track at
grade across a portion of Third Street
and across Chestnut Street in the City
of Oakland, County of Alameda, State of
California, and across the track of the
Key System Transit Company, situated on
said Chestnut Street.

Application No. 13281..

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 27th day of October, 1926, asking for authority to construct a spur track at grade across a portion of Third Street, across Chestnut Street and across the track of the Key System Transit Company, situated on said Chestnut Street, all in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 37619 N.S.) has been granted by the City Council of said City for the construction of said crossings at grade and Key System Transit Company has consented to the proposed crossing of its track. 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 streets and said track 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 a portion of Third Street and across Chestnut Street, in the City of Oakland, County of Alameda, State of California, as follows:

BEGINNING at a point in the center line of the branch of the applicant as the same now exists on Third Street, Oakland, California: said point being distant approximately 128 feet easterly from the easterly line of Chestnut Street; thence in a general westerly direction with turnout to the right approximately 112 feet; thence tangent to said curve approximately 29 feet, crossing the easterly line of said Chestnut Street approximately 26 feet southerly from the northerly line of said Third Street; thence on a curve to the left having a radius of 231.01 feet a distance of approximately 76 feet to a point distant 10.0 feet southerly at a right angle from said northerly line of Third Street, crossing the center line of the track of the Key System Transit Company approximately 17 feet southerly from the northerly line of said Third Street, also crossing the westerly line of said Chestnut Street approximately 12 feet southerly from said northerly line of Third Street; thence in a general westerly direction, 10 feet southerly from and parallel with said northerly line of Third Street, a distance of approximately 178 feet;

and as shown by 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 substantially in accordance with Standard No. 2, 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) No engine, motor, train or car of applicant shall be operated over said crossing of Chestnut Street without first having been brought to a stop and unless traffic on highway be protected by a member of the train crew or other competent employee, acting as flagman.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct a track at grade across the track of the Key System Transit Company situated in Chestnut Street, in the City of Oakland, County of Alameda, State of California, as shown by the map hereinbefore described, 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, shall be borne by The Western Pacific Railroad Company.

(2) All trains, motors, engines or cars of applicant shall stop before crossing the track of the Key System Transit Company and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain if it is safe so to do and shall have given a suitable signal to proceed.

(3) All trains, motors, engines or cars of the Key System Transit Company shall stop before crossing the track of applicant and shall not proceed thereover until conductor or other competent employee has gone upon the crossing to ascertain if it is safe so to do and shall have given a suitable signal to proceed.

IT IS HEREBY FURTHER ORDERED that

(1) Applicant shall, within thirty (30) days thereafter,

notify this Commission, in writing, of the completion of the installation of the crossings herein authorized.

(2) 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.

(3) 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 10th day of November, 1926.

H. B. Rendigs

O. L. Beaumont

Ernest J. ...

Commissioners.