

ORIGINAL

Decision No. 17932.

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 43rd Avenue, a
 public street in the City of Oakland,
 County of Alameda, State of Califor-
 nia.

Application No. 13439.

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 4th day of January, 1927, asking for authority to construct a spur track at grade across 43rd Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 36568 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 43rd 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 43rd Avenue in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing.

Beginning at a point in the center line of the main line track of the applicant distant northwesterly thereon 156.0 feet, more or less, from the northwesterly line of 43d Avenue; thence in a general southeasterly direction with turnout to the left approximately 90.0 feet; thence on a curve to the left having a radius of 477.68 feet a distance of approximately 30.0 feet; thence on a curve to the right having a radius of 477.68 feet a distance of approximately 80 feet to a point distant approximately 19.0 feet northerly at a right angle from said center line of the main line of applicant; crossing the westerly line of 43d Avenue approximately 53.0 feet northerly thereon from the northerly line of East Tenth Street; thence 19.0 feet distant northerly from and parallel with said center line of Applicant a distance of approximately 140.0 feet and crossing the easterly line of said Forty-third Avenue approximately 51 feet northerly thereon from the northerly line of said East Tenth Street;

The above crossing shall be identified as Crossing No. 4-10.34.

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. 3 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 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 a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless traffic on the street be protected by a

member of the train crew or other competent employee acting as flagman.

(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 26th day of January, 1927.

Edward C. [Signature]

H. B. [Signature]

C. [Signature]

Thos. D. [Signature]

Commissioners.