

Decision No. 18198.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of two spur tracks in and across Twenty-ninth Avenue, in the City of Oakland, County of Alameda, State of California.

Application No. 13628.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 23rd day of March, 1927, asking for authority to construct two spur tracks at grade across Twenty-ninth Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 38921 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 points mentioned in this application with said Twenty-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 Southern Pacific Company to construct two spur tracks at grade across Twenty-ninth Avenue in the City of Oakland, County of Alameda, State of California, at the location

hereinafter particularly described and as shown by the map (Western Division Drawing No. F-52) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point in the northwesterly line of 29th Avenue, City of Oakland, County of Alameda, State of California, said point being 298.5 feet more or less northeasterly from the center line of East 10th Street measured along the said northwesterly line of 29th Avenue; thence easterly on a straight line forming an angle of 60 deg. with the said westerly line of 29th Avenue, a distance of 92.4 feet more or less to a point in the easterly line of 29th Avenue, said point being northeasterly 349.4 feet, more or less, from the said center line of Tenth Street measured along the southeasterly line of 29th Avenue.

From a point at the intersection of the center line of East Tenth Street and the easterly line of 29th Avenue, City of Oakland, County of Alameda, State of California; thence northeasterly 349.4 feet more or less measured along the southeasterly line of 29th Avenue, to a point; thence westerly on a line bearing 120 deg. to the left from the said southeasterly line of 29th Avenue, a distance of 72.4 feet more or less to a point which is the beginning of the hereindescribed franchise; thence on the center line of a standard No. 7 turnout concave to the right from the last mentioned course, a distance of 20 feet more or less to a point on the northwesterly line of 29th Avenue, said point being distant 299.6 feet more or less northeasterly from the center line of East Tenth Street measured along the westerly line of 29th Avenue.

The above crossing shall be identified as Crossing No.

D-9.5-C.

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. 2, 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 flush with the roadway, 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 not use the granting of this application either by way of defense or argument on the ground of capital expenditure or in any other way against the making of any order by this Commission, providing for the separation of grades of said Twenty-ninth Avenue with the tracks of said applicant.

(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 7th day of April, 1927.

Edmund J. Gentry

Chas. E. Gentry

Thos. J. Gentry

Commissioners.

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