

ORIGINAL

Decision No. 18441.

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 two spur
tracks at grade across 33d and 34th
Avenues, Public Streets in the City
of Oakland, County of Alameda, State
of California.

Application No. 13790.

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 16th day of May, 1927, asking for authority to construct two spur tracks at grade across 33rd and 34th Avenues, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 39133 N.S.) has been granted by the City Council of said City for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said 33rd and 34th Avenues 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 two spur tracks at grade across 33rd and 34th Avenues in the City of Oakland, County of Alameda, State of California, at the

locations hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

DESCRIPTION OF CROSSINGS.

Track No.1. Beginning at a point in the center line of the main line track of the Applicant, at or near the westerly line of 35th Avenue, Oakland, California; thence with turnout to the right approximately 220 feet; thence on a curve to the left having a radius of 478.34 feet a distance of approximately 56 feet to a point approximately 25 feet northerly from the center line of said main line track; thence westerly 25 feet northerly from and parallel with said main line track, a distance of 610 feet to the easterly line of Fruitvale Avenue; crossing 34th Avenue and 33d Avenue approximately 155 feet southerly from the southerly line of East 12th Street.

Track No.2. Beginning at a point in the center line of above mentioned Track No. 1, distance thereon approximately 100 feet westerly from the westerly line of 35th Avenue; thence with turnout to the right approximately 200 feet, crossing the easterly line of 34th Avenue approximately 140 feet southerly from the southerly line of East 12th Street; thence on a curve to the left having a radius of 382.25 feet, a distance of approximately 100 feet to a point 40 feet northerly from the said Track No. 1; crossing the westerly line of said 34th Avenue approximately 120 feet southerly from the said southerly line of East 12th Street; thence westerly, 40 feet from and parallel with said Track No. 1, a distance of approximately 500 feet to the easterly line of Fruitvale Avenue; crossing 33d Avenue approximately 115 feet southerly from the said southerly line of East 12th Street.

The crossing of 33rd Avenue shall be identified as Crossing No. 4-9.75 and the crossing of 34th Avenue shall be identified as Crossing No. 4-9.8.

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 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 those portions of said avenues now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding four (4) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) 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.

(5) 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 12th day of

June
June, 1927.

H. K. Brundage

C. Seavey

Thos. S. Loring

Commissioners.