

Decision No. 18853

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing the construc- tion at grade of a side track across Fifth Avenue, in the City of Oakland (East Oakland), County of Alameda, State of California.
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Application No. 14071.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 15th day of September, 1927, asking for authority to construct a side track at grade across Fifth Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit 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 Fifth 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 a side track at grade across Fifth 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. E. 200, Sheet 1) attached to the application.

Description of Crossing

Commencing at a point at the intersection of the Southern Pacific Company's northerly right-of-way line, and the southeasterly line of 5th Avenue, City of Oakland, County of Alameda, State of California, thence southwesterly along the southeasterly line of 5th Avenue - a distance of thirty-four (34) feet more or less to actual point of beginning of the center line of track to be described, thence northwesterly along a straight line - a distance of eighty-one (81) feet more or less to a point on the northwesterly line of 5th Avenue, said point being forty-six (46) feet more or less, distant southwesterly from the intersection of the Southern Pacific Company's northerly right-of-way line and the northwesterly line of 5th Avenue.

The above crossing shall be identified as Crossing No. D-7.6.

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 at same elevation as main line rails and flush with the roadway, and with grades of approach not exceeding four (4) per cent; shall be protected by an additional crossing sign on the north side of said track, 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 30<sup>th</sup> day of September, 1927.

Forrest

Channing

Paul R. Raitt

M. J. Linn

Commissioners.