

WH:IR

Decision No. 19626

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across East 12th Street and shifting of location of existing track across East 12th Street, between 46th and 47th Avenues, in the City of Oakland, County of Alameda, State of California.

ORIGINAL

Application No. 14566.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 4th day of April, 1928, asking for authority to construct a spur track and relocate an existing track at grade across East 12th Street, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 41470 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 East 12th Street 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 spur track and relocate an existing track at grade across East 12th

Street in the City of Oakland, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Western Division Drawing M 180, Sheet No. 1) attached to the application.

DESCRIPTION OF CROSSINGS

BEGINNING at the intersection of the southeasterly line of 46th Avenue with the northeasterly line of 12th Street, thence southeasterly along said northeasterly line of 12th Street a distance of 56.5 feet to the center line of track to be described; thence southwesterly at right angles a distance of 60 feet to a point on the southwesterly line of 12th St., said point being a distance of 56.5 feet, measured southeasterly along the southwesterly line of 12th Street from the southeasterly line of 46th Avenue.

BEGINNING at the intersection of the southeasterly line of 46th Avenue with the northeasterly line of 12th Street; thence southeasterly along said northeasterly line of 12th Street a distance of 59.5 feet to the center line of track to be described; thence southwesterly a distance of 60.6 feet to a point on the southwesterly line of 12th Street, said point being a distance of 68.1 feet measured southeasterly along the southwesterly line of 12th Street from the southeasterly line of 46th Avenue.

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. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said street 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) Applicant shall remove the tracks shown in yellow on the map (Western Division Drawing M 180, Sheet No. 1) attached to the application, in so far as they lie in East 12th Street, and shall repair the street to conform to the remainder thereof.

(4) No train, engine, motor or car shall be operated over any spur or switching track crossing East 12th Street at grade, between 45th Avenue and 47th Avenue, unless said train, engine, motor or car shall be under full control and unless traffic on East 12th Street be protected by a member of the train crew or other competent employee acting as flagman.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(6) 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.

(7) 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 20th day of April, 1928.

Leon Whitall
Chairman
Frank L. Smith
Commissioners.