

Decision No. 13785 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the CITY OF OAKLAND, a municipal
corporation, to construct a railroad
crossing across the tracks of the
Central Pacific Railway Company on
85th Avenue.

ORIGINAL

Application No. 14,637.

BY THE COMMISSION:

ORDER

The City of Oakland in the County of Alameda,
State of California, filed the above entitled application
with this Commission on the 26th day of April, 1928, ask-
ing for authority to construct a public street known as
85th Avenue at grade across the tracks owned by Central
Pacific Railway Company and operated by Southern Pacific
Company in said City of Oakland, as hereinafter set forth.
Said Southern Pacific Company has signified by letter that
it has no objection to the construction of said crossing
at grade, and 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
with said tracks at the point mentioned in this application,

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 City of Oakland in the County of Alameda, State of California, to construct 85th Avenue at grade across the tracks owned by Central Pacific Railway Company and operated by Southern Pacific Company at the location hereinafter particularly described and as shown by the map (map showing crossing of 85th Avenue and Central Pacific Railway) attached to the application.

DESCRIPTION OF CROSSING

Parcel 1c. Beginning at the point of intersection of the northeastern line of the right of way of the Central Pacific Railway Company with a line drawn South $46^{\circ} 49' 20''$ West from a point on the southwestern line of Russett Street, distant thereon North $43^{\circ} 59' 30''$ West Thirty-eight Hundred Seventy-four and 20/100 feet from the point of intersection thereof with the northwestern line of Jones Avenue; running thence North $42^{\circ} 52' 45''$ West along said right of way line, fifty feet to the point of intersection thereof with a line drawn South $46^{\circ} 49' 20''$ West from a point on said southwestern line of Russett Street, distant thereon North $43^{\circ} 59' 30''$ West Thirty-nine Hundred Twenty-four and 20/100 feet from the point of intersection thereof with said northwestern line of Jones Avenue; thence South $46^{\circ} 49' 20''$ West along the last drawn line to a point distant thereon South $46^{\circ} 49' 20''$ West Six Hundred Forty-seven and 07/100 feet from said line of Russett Street; thence South $13^{\circ} 00' 25''$ West Seventy-one and 87/100 feet to the southwestern line of said right of way of the Central Pacific Railway Company; thence South $42^{\circ} 52' 45''$ East along the southwestern line of said right of way Sixty and 39/100 feet; thence North $13^{\circ} 00' 25''$ East Ninety and 54/100 feet; thence North $46^{\circ} 49' 20''$ East to the point of beginning.

The above crossing shall be identified as Crossing No. D-12.6.

Said crossing shall be constructed subject to the following conditions and not otherwise:

- (1) The entire expense of constructing the crossing

shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Central Pacific Railway Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet, with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by Standard No. 1 crossing signs and a Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) The entire expense of constructing said wigwag shall be borne by applicant and the expense of maintaining same shall be borne by Southern Pacific Company.

(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 in 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 21st day of May, 1928.

Leon Whitall

Chas. Sawyer

Ernest C. ...

Thos. D. ...

M. A. ...

Commissioners.