

ORIGINALDecision No. 19863.

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 a spur
 track at grade across the intersection
 of East Eighth Street and Twelfth
 Avenue, in the City of Oakland, County
 of Alameda, State of California.

Application No. 14727.

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 24th day of May, 1928, asking for authority to construct a spur track at grade across the intersection of East Eighth Street and Twelfth Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 41863 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 point mentioned in this application with said East Eighth Street and Twelfth 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 The Western Pacific Railroad Company to construct a spur track at grade across the intersection of East Eighth Street and Twelfth Avenue in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Proposed Relocation of Spur across East 8th Street) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of the existing spur track of Applicant, distant northwesterly thereon approximately 95 feet from the southwesterly line of East Eleventh Street; thence northwesterly along a No. 8 $\frac{1}{2}$ turnout to the right a distance of approximately 80 feet; thence continuing northwesterly approximately 45 feet, crossing the southeasterly line of Twelfth Avenue at or near the intersection thereof with the southwesterly line of East Eighth Street; thence northwesterly along a 30° curve to the right, having a radius of 191.12 feet, a distance of approximately 65 feet crossing the northwesterly line of said Twelfth Avenue approximately 25 feet northeasterly thereon from the southwesterly line of said East Eighth Street; thence along a 30° curve to the left, having a radius of 191.12 feet, a distance of approximately 112 feet to a point distant 3 feet, measured southwesterly at a right angle from the northeasterly line of said East Eighth Street; thence continuing northwesterly, distant 3 feet southwesterly from and parallel with the northeasterly line of said East Eighth Street, approximately 114 feet; thence on a 30° curve to the right, having a radius of 191.12 feet, approximately 66 feet; thence northwesterly, tangent to said curve, approximately 18 feet to the southeasterly line of Eleventh Avenue and point of termination; a total length of approximately 500 feet.

The above crossing shall be identified as Crossing No. 4-8.1.

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

- (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. 3, 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 East Eighth Street and Twelfth Avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable 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) Applicant shall remove the track shown in red on the map (Proposed Relocation of Spur across East 8th Street) attached to the application, insofar as it lies in East Eighth Street; and shall repair the street to conform to the remainder thereof.

(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 June, 1928.

Leon A. Wilson

C. J. Seaman

Emmett C. ...

W. J. ...

Commissioners.