

ORIGINALDecision No. 19912.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the City of Oakland, a municipal
corporation, for an order altering
the existing under-grade crossing
of the S. F. Sacramento Railroad
and Thorn Road.

Application No. 14788.

BY THE COMMISSION:

ORDER

City of Oakland filed the above application with the Commission on the 12th day of June, 1928, asking for authority to alter the crossing of Thorn Road under the tracks of the San Francisco-Sacramento Railroad Company in the City of Oakland, County of Alameda, as hereinafter set forth.

Thorn Road extends in a northerly direction from Morago Road and passes under the track of the San Francisco-Sacramento Railroad at a point approximately seventy-five (75) feet therefrom.

The City of Oakland states that Thorn Road extends into a territory that is laid out to home sites and is rapidly being developed; that a large part of the traffic between the business section of the City of Oakland and the territory north of said Morago Road follows out Morago Road and Thorn Road, under the track of the San Francisco-Sacramento Railroad, and that, due to the construction of the existing undergrade crossing with a roadway only approximately eighteen (18) feet in width, such

heavy flow of traffic creates a serious hazard at this point.

The track of the San Francisco-Sacramento Railroad passes over Thorn Road on an open deck wooden trestle. It is proposed to replace this wooden trestle with a single span steel bridge, consisting of 65'-0" x 6'-6-1/4" steel girders resting upon concrete piers, said bridge to have a vertical clearance of not less than fourteen (14) feet. It is estimated that such alterations will cost approximately six thousand (\$6,000.) dollars.

The City of Oakland further states that in consideration of and as a part of the construction costs of said alteration, said San Francisco-Sacramento Railroad Company will dedicate to the city, for street purposes, the westerly ten (10) feet of Thorn Road as it traverses said railroad right-of-way, together with the necessary space to construct said concrete piers, which will give a fifty (50) foot street width and thus make it possible to improve Thorn Road with adequate pavement and sidewalk areas; that, pursuant to said co-operative agreement, the petitioner will pay the initial cost of said alteration and all future costs of street improvement and maintenance and the Railroad Company will pay all costs of maintenance of said bridge and all future costs of improvement or alteration thereof.

The San Francisco-Sacramento Railroad Company, by letter, dated June 15, 1928, has signified that it is agreeable to the granting of this application.

It appears to this Commission that this is not a matter in which a public hearing is necessary 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 to alter the undergrade crossing of Thorn Road under the track of the San Francisco-Sacramento Railroad Company, subject to the following conditions and not otherwise:

(1) The alteration of said undergrade crossing shall be constructed, except as hereinafter specified, substantially in accordance with the plans (Detail of Proposed Alteration of Existing Grade Separation at Crossing of Thorn Road and San Francisco-Sacramento Railroad Drawing 39-11) marked Exhibits 1, 2, 4, and 5, attached to the application.

(2) The alteration of said undergrade crossing shall be constructed with clearances conforming to provisions of Commission's General Order No. 26-C.

(3) The cost of construction and maintenance of said undergrade crossing shall be borne in accordance with the terms of an agreement entered into between the interested parties and referred to above.

(4) San Francisco-Sacramento Railroad Company shall within ninety (90) days from the date hereof, file with this Commission a certified copy of the agreement between the interested parties relative to division of cost of construction and maintenance of said crossing.

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

(6) If the alteration of said undergrade 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.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said undergrade 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 June 1928.

S. O. Whitwell

C. L. Seaver

M. J. [Signature]

Commissioners.