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Decision No. 20075.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of THE WESTERN PACIFIC RAILROAD
COMPANY for permission to con-
struct, operate and maintain a
spur track at grade across Russet
Street, East of 85th Avenue, in
the City of Oakland, County of
Alameda, State of California.

Application No. 14913.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 24th day of July, 1928, asking for authority to construct a spur track at grade across Russet Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 43410-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 Russet 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 The Western Pacific Railroad Company to construct a spur track at grade across Russet Street in the

ORIGINAL

City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

DESCRIPTION OF CROSSING

"BEGINNING at a point in the center line of the main line track of applicant, distant southeasterly thereon approximately 1120 feet from the southeasterly line of Eighty-fifth Avenue, in the City of Oakland, County of Alameda, State of California; thence northwesterly along a No. 10 turnout to the left approximately 90 feet; thence continuing northwesterly approximately 150 feet; thence westerly and southwesterly along a 22° curve to the left, having a radius of 262.042 feet, a distance of 350 feet; crossing the northeasterly line of Russet Street approximately 795 feet southeasterly from the southeasterly line of said Eighty-fifth Avenue; also crossing the southwesterly line of said Russet Street approximately 730 feet southeasterly from the southeasterly line of said Eighty-fifth Avenue; thence across private property to point of termination."

The above crossing shall be identified as Crossing No. 4-12.7 C.

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. 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 street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be pro-

WE/LV

tected 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) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(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 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 10th day
of August 1928.

Leon A. White
Clarence
W. S. Lott

Commissioners.