

Decision No. 20269.

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 rail-
road crossing across the tracks of
the Western Pacific Railroad Company
on Fallon Street.

Application No. 14919.

ORIGINAL

BY THE COMMISSION:

ORDER

The City Council of the City of Oakland, County of Alameda, State of California, filed the above entitled application with this Commission on the 26th day of July, 1928, asking for authority to construct a public street known as Fallon Street at grade across the track of Western Pacific Railroad Company in the said City of Oakland as hereinafter set forth. Said Western Pacific Railroad 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 track 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 Council of the City of Oakland, County of Alameda, State of California, to construct Fallon Street at grade across the track of Western Pacific Rail-

road Company at the location hereinafter particularly described and as shown by the maps (Exhibits No. 1 and 2) attached to the application.

Description of Crossing.

Beginning at a point on the westerly line of Fallon Street, produced southerly, distant thereon 12.65 feet southerly from the intersection thereof with the northerly line of Third Street produced easterly; thence southerly along said westerly line of Fallon Street, produced southerly, 41.6 feet; thence at a right angle easterly 80.0 feet to the easterly line of Fallon Street produced southerly; thence northerly along said easterly line of Fallon Street, produced southerly, 41.6 feet; thence at a right angle westerly 80.0 feet to the point of beginning.

The above crossing shall be identified as Crossing No. 4-7.19.

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 outside of 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 Western Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than fifty (50) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by two (2) Standard No. 1 crossing signs 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 crossing shall be so constructed that it will conform to the ultimate level of the track in connection with the railroad company's rebalasting program. All costs incident to the raising of the track to the ultimate level shall be borne by The Western Pacific Railroad 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 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 26th day of September, 1928.

Leon Whitely

Clarence

Thos. J. Quinn

M. J. Quinn

Commissioners.