

ORIGINAL

Decision No. 20301.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track across a portion of 29th Avenue in the City of Oakland (Fruitvale Station), County of Alameda, State of California.

Application No. 15058.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of September, 1928, asking for authority to relocate a spur track at grade across a portion of Twenty-ninth Avenue, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 42823 NS) has been granted by the City Council of said city for the relocation 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 Twenty-ninth 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 Southern Pacific Company to relocate

its spur track at grade across a portion of Twenty-ninth Avenue in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Western Division Drawing No. F-101) attached to the application.

DESCRIPTION OF CROSSING

BEGINNING at a point in the northwestern line of 29th Avenue, City of Oakland, County of Alameda, State of California, said point being 298.5 feet more or less northeasterly from the center line of East 10th Street measured along the said northwestern line of 29th Avenue; thence easterly on a straight line forming an angle of 60 degrees with the said western line of 29th Avenue, a distance of 56.6 feet more or less to the actual point of beginning of the center line of spur to be described; thence continuing easterly along the arc of a curve concave to the right and having a radius of 191.53 feet (the said curve being tangent to the last described course at the last described point) a distance of 34.2 feet, more or less, to a point on the southeastern line of 29th Avenue, said point being distant 341.2 feet, more or less, from the above-mentioned center line of East 10th Street measured along the said southeastern line of 29th Avenue.

The above crossing shall be identified as a portion of Crossing No. D-9.5-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 of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding three (3) per cent; shall be protected by

two 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 thereover of vehicles and other road traffic.

(3) Applicant shall remove the track shown in yellow on the map (Western Division Drawing No. F-101) attached to the application, in so far as it lies in Twenty-ninth Avenue, and shall repair the street to conform to the remainder thereof.

(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 3rd day of October, 1928.

Leon Whitely
Chairman

Frank Lovell

M. J. Cum
 Commissioners.