

Decision No. 20339**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN PACIFIC COMPANY for an order )  
 authorizing the construction at grade )  
 of two railroad tracks across Fifth )  
 Avenue, in the City of Oakland, County )  
 of Alameda, State of California. )

Application No. 15097

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 2nd day of October, 1928, asking for authority to construct two tracks at grade across Fifth Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the City Council of said City for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Fifth 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 construct two tracks at grade across Fifth Avenue in the City of Oakland, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Western Divn. Drawings E-235, Sheet No.2) attached to the application.

#### DESCRIPTION OF CROSSINGS

Description of proposed new location of Spur Track south of eastbound Main Line Track:

"Commencing at a point at the intersection of the Southern Pacific Company's southerly right of way line and the southeasterly line of Fifth Avenue, City of Oakland, County of Alameda, State of California, thence northeasterly along the southeasterly line of Fifth Avenue, a distance of eight (8) feet more or less to the actual point of beginning of the center line of track to be described; thence northwesterly along a straight line, a distance of eighty-one (81) feet more or less to a point on the northwesterly line of Fifth Avenue, said point being one (1) foot more or less distant northeasterly from the intersection of the Southern Pacific Company's southerly right of way line and the northwesterly line of Fifth Avenue."

Description of proposed Drill Track north of present westbound Main Line Track:

"Commencing at a point at the intersection of the Southern Pacific Company's southerly right of way line, and the southeasterly line of Fifth Avenue, City of Oakland, County of Alameda, State of California; thence northeasterly along the southeasterly line of Fifth Avenue, a distance of seventy (70) feet, more or less, to the actual point of beginning of the center line of track to be described; thence northwesterly along a straight line, a distance of eighty (80) feet more or less to a point on the northwesterly line of Fifth Avenue, said point being seventy (70) feet, more or less, distant northeasterly from the intersection of the Southern Pacific Company's southerly right of way line and the northwesterly line of Fifth Avenue."

The above crossings shall be identified as

a portion of Crossing No. D-7.6.

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

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings 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 super-elevation and of a width to conform to that portion of said avenue now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding three (3) 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 remove the tracks shown in yellow on map (Western Divn. Drawings E-235, Sheet No.2) attached to the application in so far as they lie in Fifth 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 crossings.

(5) If said crossings 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 crossings 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 17th day of October, 1928.

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*C. Seaney*  
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*Paul L. Lott*  
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*M. J. Linn*  
Commissioners.