

Decision No. 20732.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 THE WESTERN PACIFIC RAILROAD COMPANY
 for permission to construct a spur
 track at grade across a portion of
 First Street and a portion of an 80
 foot dedicated but unnamed street
 running westerly from First Street
 opposite the southerly termination of
 Adeline Street in the City of Oakland,
 County of Alameda, State of California.

ORIGINAL

Application No. 15323.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 15th day of January, 1929, asking for authority to construct an interchange track at grade across a portion of First Street and a portion of an 80 foot dedicated but unnamed street which runs westerly from First Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 43616 N.S.) 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 First Street and said unnamed 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 an interchange track at grade across a portion of First Street and a portion of an 80 foot dedicated but unnamed street which runs westerly from First Street in the City of Oakland, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Exhibit "A" C.E. 2271 Proposed Interchange Tracks) attached to the application.

DESCRIPTION OF CROSSINGS

BEGINNING at a point in the easterly line of Adeline Street, produced southerly, distant northerly thereon approximately 5 feet from the southerly line of First Street; thence southwesterly approximately 19.8 feet, crossing the southerly line of said First Street 8.0 feet westerly from said easterly line of Adeline Street, produced; thence continuing southwesterly along a $12^{\circ} 30'$ curve to the left, having a radius of 459.276 feet, a distance of 204.27 feet; crossing the southeasterly line of an unopened, dedicated street approximately 5.0 feet southwesterly thereon from said southerly line of First Street; thence southwesterly along a 10° curve to the right, having a radius of 573.686 feet, a distance of 159.5 feet; crossing the southeasterly line of said unopened street approximately 250 feet southwesterly thereon from the southerly line of said First Street; thence southwesterly across private property a distance of 2042.7 feet to a point of connection with existing track of applicant.

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 shall be borne by application.
- (2) Said crossings shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said First Street and said unnamed street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of

vehicles and other road traffic.

(3) This order is made upon the express condition that said First Street and said unnamed street are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad track.

(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 30th day of January, 1929.

David L. Lewis

Edward J. Costello
Leon A. Whalley

M. J. Conroy
Commissioners.