

Decision No. 29863

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 Jackson Street,
a public street in the City of Oakland,
County of Alameda, State of California.

ORIGINAL

Application No. 15458.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 5th day of March, 1929, asking for authority to construct a spur track at grade across Jackson Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 43890 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 Jackson 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 Jackson Street in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (C.E.2445 Exhibit A, Proposed Extension of Spur to serve Warehouse at Fourth and Jackson Streets) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at point of connection with existing spur track on Fourth Street, Oakland, California, said point being distant northwesterly along the center line of said spur track 14 feet from the southeasterly line of Jackson Street, extended southwesterly, and 8.85 feet measured at a right angle southwesterly from the northeasterly line of Fourth Street, extended northwesterly; thence northwesterly along a curve to the left, having a radius of 955.366 feet, a distance of 33.33 feet; thence continuing northwesterly along a curve to the right having a radius of 955.366 feet, a distance of 33.33 feet; crossing the northwesterly line of said Jackson Street, extended southwesterly, 10 feet southwesterly thereon from the northeasterly line of said Fourth Street; thence continuing northwesterly, 10 feet southwesterly from and parallel with said northeasterly line of Fourth Street, a distance of 100 feet to point of termination.

The above crossing shall be identified as a portion of Crossing No. 4-6.9.

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. 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 street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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 there-over 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 is brought to a stop and unless traffic on the highway is 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 13th day of March, 1929.

Thos D. Lott

Ernest

M. J. C.
Commissioners.