

Decision No. 21306.

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 drill track upon and  
 along a portion of Commerce Street  
 and across High Street, in the City  
 of Oakland, County of Alameda,  
 State of California.

**ORIGINAL**

Application No. 15729.

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 June, 1929, asking for authority to construct a drill track at grade across High Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 44200 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 High 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 Southern Pacific Company to construct a drill track at grade across High Street 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. 5-562) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of the existing track now located on the center line of Jensen Street, (formerly Commerce Street) as said street now exists, distant south  $44^{\circ} 25'$  East (as measured along the center line of said street) 63', more or less, from the southeasterly line of High Street; thence north  $44^{\circ} 25'$  West through a standard #7 turnout along the center line of Jensen Street a distance of 63.0 feet, more or less; thence continuing north  $44^{\circ} 25'$  West in a straight line a distance of 66 feet, more or less crossing High Street, to a point in the northwesterly line of High Street.

The above crossing shall be identified as a portion of Crossing No. D-10.69-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. 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 thereover 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 shall be under full control and unless traffic on the highway be 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 28th day of June, 1929.

Thomas D. Lott

C. L. Senior

Ernest C. ...

W. A. ...  
Commissioners.