

Decision No. 21681 .

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
side track across 29th Avenue,
in the City of Oakland,
County of Alameda, State of
California.

Application No. 15988.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 2nd day of October, 1929, asking for authority to construct a side track at grade across 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. 45292 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 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 construct a side track at grade across 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 Drawings No. F-108, Sheet No. 3) attached to the application.

DESCRIPTION OF CROSSING

"BEGINNING at the intersection of the Southerly line of East Twelfth Street with the westerly line of Twenty-ninth Avenue; thence south 37° west along said westerly line of Twenty-ninth Avenue and its production southerly a distance of 337.9 feet, more or less, to a point, said point being the true point of beginning of this description; thence south $49^{\circ} 45'$ east, parallel to the Central Pacific Railway Company's main line and crossing a traveled way, a distance of 72.0 feet, more or less, to a point, in the production northerly of the easterly line of Twenty-ninth Avenue distant thereon northerly 10.1 feet, more or less, from the intersection of said line with the original southerly one hundred foot right of way line of the Central Pacific Railway Company."

The above crossing shall be identified as a portion of Crossing No. D-9.5.

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

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to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions 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 four (4) 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 track shown in yellow on the map (Western Division Drawing No. F-108, Sheet No. 3) attached to the application.

(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 16th day of October, 1929.

Thos. D. Lovitt
Ch. Scamper
Wm. J. DeLo
Leon Whiteley
W. J. Cum
Commissioners.