

Decision No. 21955.

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, maintain and operate a connecting track at grade across 53rd Avenue, 54th Avenue, Russett Street and East 8th Street, and a spur track across East 8th Street and 54th Avenue, in the City of Oakland, County of Alameda, State of California.

ORIGINAL

Application No. 16163.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 12th day of December, 1929, asking for authority to construct a connecting track at grade across 53rd Avenue and Russett Street, and a connecting track and a spur track at grade across East 8th Street and 54th Avenue in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 45744 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 53rd Avenue, Russett Street, 8th Street and 54th 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 The Western Pacific Railroad Company to construct a connecting track at grade across 53rd Avenue and Russett Street, and a connecting track and spur track at grade across 8th Street and 54th Avenue 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" Proposed connecting tracks to W.P. -S.P. joint Drill Track No. 2) attached to the application.

#### DESCRIPTION OF CROSSINGS

##### Connecting track:

Beginning at a point in the center line of the main line track of said railroad, said point being the point of intersection of said center line with the southeasterly line of 52nd Avenue; thence southeasterly, along a No. 10 turnout to the right, a distance of 90 feet; thence continuing southeasterly along a curve to the right; having a radius of 573.686 feet, a distance of 70 feet; thence in a direct line southeasterly 28.5 feet; thence continuing southeasterly, southerly and southwesterly, along a curve to the right having a radius of 240.487 feet, a distance of 316.61 feet; crossing the northwesterly line of 53rd Avenue at a point distant approximately 19 feet northeasterly thereon from the northeasterly line of Russett Street; also crossing the southeasterly line of said 53rd Avenue, extended southwesterly, approximately 8 feet southwesterly from the northeasterly line of said Russett Street; also crossing the southwesterly line of said Russett Street approximately 55.62 feet southeasterly thereon from the southeasterly line of 53rd Avenue; thence in a direct line southwesterly 38.41 feet; thence southwesterly, southerly and southeasterly, along a curve to the left having a radius of 240.487 feet, a distance of 333.82 feet to point of connection with existing track; crossing the northeasterly line of East Eighth Street approximately 72.41 feet northwesterly thereon from the northwesterly line of 54th Avenue; also crossing the southwesterly line of said East Eighth Street approximately 45.38 feet northwesterly thereon from the northwesterly line of said 54th Avenue; also crossing the northwesterly line of said 54th Avenue approximately 46.8 feet southwesterly thereon from the southwesterly line of said East Eighth Street; also crossing the southeasterly line of said 54th Avenue approximately 77 feet southwesterly thereon from the southwesterly line of said East Eighth Street, extended in a direct line southeasterly.

Spur track:

Beginning at a point in the center line of connecting track first hereinabove described, said point being distant northeasterly along said track approximately 120 feet from the northeasterly line of East Eighth Street and 113.34 feet at a right angle southeasterly from the southeasterly line of 53rd Avenue; thence southwesterly along a No. 10 turnout to the left approximately 90 feet; thence southwesterly southerly and southeasterly, along a curve to the left having a radius of 222.271 feet, a distance of approximately 295 feet to point of termination; crossing the northeasterly line of East Eighth Street approximately 63 feet northwesterly thereon from the northwesterly line of 54th Avenue; also crossing the southwesterly line of East Eighth Street approximately 27.5 feet northwesterly thereon from the northwesterly line of said 54th Avenue; also crossing the northwesterly line of said 54th Avenue approximately 25 feet southwesterly thereon from the southwesterly line of said East Eighth Street; also crossing the southeasterly line of said 54th Avenue approximately 54 feet southwesterly thereon from the southwesterly line of said East Eighth Street, extended in a direct line southeasterly.

The above crossing of 53rd Avenue shall be identified as a portion of Crossing No. 4 - 10.85; the above crossing of Russett Street shall be identified Crossing No. 4 - 10.90C; the above crossing of East Eighth Street shall be identified as Crossing No. 4 - 10.95C and the above crossing of 54th Avenue shall be identified as Crossing No. 4 - 11.00C.

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. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets and avenues now graded,

with the tops of rails flush with the roadways, and with grades of approach not exceeding two (2) per cent; shall be protected by Standard No. 1 crossing signs 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, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) 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.

(5) 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 27<sup>th</sup> day of December, 1929.

Thos. J. Lovitt  
W. S. Sawyer  
Edward J. ...  
Leon A. Whipple  
M. J. ...  
Commissioners.