

ORIGINAL

Decision No. 21000.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the CITY OF OAKLAND, a municipal corporation, to construct a railroad crossing across the tracks of the Southern Pacific Company on Baneroft Avenue at the intersection of 103rd Ave.

Application No. 15989.

BY THE COMMISSION:

O R D E R

The City Council of the City of Oakland, County of Alameda, State of California, filed the above entitled application with this Commission on the 3rd day of October, 1929, asking for authority to construct a public street known as 103rd Avenue at grade across the tracks of Southern Pacific Company, in the said City of Oakland as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said tracks at the point mentioned in this application, 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 City Council of the City of Oakland, County of Alameda, State of California, to construct 103rd Avenue at grade across the tracks of Southern Pacific Company at the

location as shown by the maps (Exhibits Nos. 1 and 2) attached to the application.

The above crossing shall be identified as Crossing No. G-14.79.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The cost of construction and maintenance thereafter of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The cost of construction and maintenance thereafter of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width and at an angle to the railroad as shown on Exhibit No. 2, attached to the application, and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) Said crossing shall be protected by two Standard No. 2 illuminated crossing signs as specified in this Commission's General Order No. 75. The expense of constructing said illuminated crossing signs shall be borne by applicant and their maintenance thereafter shall be borne by Southern Pacific Company.

(4) Said crossing shall not be opened to public use until applicant shall, by proper authority, cause to be erected

on each side of said crossing an appropriate sign requiring all vehicles to stop before crossing over said crossing. Said sign shall be located so as to be easily visible by motorists approaching said crossing.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) 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.

(7) 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 28<sup>th</sup> day of December, 1929.

John S. Lott

C. Seaver

Edmund St.

Leon O'Connell

M. J. Lee

Commissioners.