

Decision No. 21964.

ORIGINAL

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 crossing
at grade across the tracks of the
Central Pacific Railway Company on
77th Avenue.

Application No. 16070.

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 5th day of November, 1929, asking for authority to construct a public street known as 77th 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 77th 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. D-12.2.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance 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 by the map (Exhibit No. 2) attached to the application and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; 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 thereon of

vehicles and other road traffic.

(3) Said crossing shall be further protected by a Standard No. 3 automatic wigwag signal as specified in General Order No. 75 of this Commission. The cost of construction of said wigwag shall be borne by applicant and its maintenance thereafter shall be borne by Southern Pacific Company.

(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 December, 1929

Paul D. Smith
Commissioner
Leon C. Curran
Commissioners.