

Decision No. 22046.

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 Spur Track at grade on  
3rd Street and across Harrison Street,  
in the City of Oakland, County of  
Alameda, State of California.

Application No. 16236.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 18th day of January, 1930, asking for authority to construct a spur track at grade on 3rd Street and across Harrison Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No.45884 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 Harrison 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 The Western Pacific Railroad Company to construct a spur track at grade on 3rd Street and across Harrison Street in the City of Oakland, County of Alameda, State of California,

at the location hereinafter particularly described and as shown by the map ( Exhibit A - Western Pacific Railroad Company Survey No.573) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line at the westerly end of existing spur, said point being distant  $8\frac{1}{2}$  feet, measured northerly at a right angle from the southerly line of Third Street, and easterly approximately 13 feet from the easterly line of Harrison Street extended; thence westerly,  $8\frac{1}{2}$  feet southerly from and parallel with said southerly line of Third Street, a distance of approximately 10 feet; thence continuing westerly along a curve to the right and a reverse curve to the left, having radii of 573.686 feet, a distance of approximately 83 feet to a point distant 10 feet, measured at a right angle northerly from said southerly line of Third Street, crossing the easterly line of said Harrison Street, extended, approximately  $8\frac{1}{2}$  feet northerly from said southerly line of Third Street; thence westerly, 10 feet northerly from and parallel with said southerly line of Third Street, approximately 100 feet to end of spur, crossing the westerly line of said Harrison Street, extended, approximately 10 feet northerly from said southerly line of Third Street.

The above crossing shall be identified as a portion of Crossing No. 4-6.8.

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. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with pavement, and with grades of approach not exceeding three (3) 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-C of this Commission.

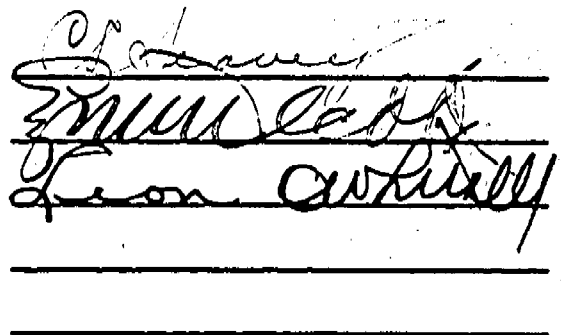
(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(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 22<sup>nd</sup> day of January, 1930.

  
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Commissioners.