

Decision No. 22821.

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 across Eighth  
 Avenue in the City of Oakland, County  
 of Alameda, State of California.

ORIGINAL

Application No. 16900.

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 19th day of September, 1930, asking for authority to construct a spur track at grade across Eighth Avenue, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 47178) 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 Eighth 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 spur track at grade across Eighth Avenue 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) attached to the application.

DESCRIPTION OF CROSSING.

BEGINNING at a point in the center line of the track of applicant known as the "Team Track", said point being distant easterly, measured at a right angle approximately 5.0 feet from the southeasterly line of Eighth Avenue; said point also being distant, measured at a right angle northeasterly, 20 feet from the center line of the main track of the applicant, in the City of Oakland, County of Alameda, State of California; thence westerly on a curve to the left, having a radius of 5729.65 feet, a distance of approximately 120 feet; crossing the southeasterly line of said Eighth Avenue approximately 50 feet southwesterly thereon from the southerly line of East Eighth Street; also crossing the northwesterly line of Eighth Avenue approximately 52 feet southwesterly thereon from the southwesterly line of said East Eighth Street, as widened; and thence in a direct line westerly, 20 feet northerly from and parallel with the center line of said main track, approximately 65 feet to end of track.

The above crossing shall be identified as a portion of Crossing No. 4-7.65-C.

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 of superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without super-elevation and of a width to conform to that portion of said avenue now graded, with the tops of rails 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, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) 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.

(5) 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 29th day of September, 1930.

O. L. Scowey  
Emmanuel

Thos. S. Lottin

Commissioners.