

ORIGINALDecision No. 23241

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 Railroad
 Company on 88th Avenue.)
) Application
) No. 16636
)

A. N. Nelson, Chief Deputy City Attorney, and
 M. Auerbach, Assistant City Engineer, for Applicant.

E. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION -

OPINION

The City of Oakland, a municipal corporation, has petitioned the Railroad Commission for an order authorizing the construction of Eighty-eighth Avenue at grade across the double track of the Dutton Avenue electric line of Southern Pacific Company.

A public hearing was held on this application by Examiner Handford at Oakland, at which time the matter was duly submitted and it is now ready for determination.

Eighty-eighth Avenue extends from East 14th Street northeasterly to Foothill Boulevard, a distance of about three thousand (3000) feet, except across the Southern Pacific Company's right-of-way of its Dutton Avenue suburban electric line and a short distance on either side thereof.

The first crossing to the southeast of 88th Avenue is 89th Avenue, while the first crossing to the northeast is 87th Avenue, both approximately three hundred (300) feet removed from 88th Avenue. Ninetieth Avenue, a one hundred foot highly improved street, offers a connection between East 14th Street and Foothill Boulevard and is situated two blocks northeast of 88th Avenue. Both 87th Avenue and 89th Avenue are fifty foot improved streets extending from ^{East} 14th Street to Dowling Street, only one block

northeast of the railroad, and take the aspect of local streets. The map attached to the application shows the street layout in the general vicinity of the crossing applied for.

The proposed crossing at 28th Avenue is for the purpose of giving the people living to the northeast of the railroad a direct outlet to East 14th Street and, further, provides a through connection between Foothill Boulevard and East 14th Street.

The record shows that the speed of trains is not excessive at 28th Avenue for the reason that 90th Avenue on one side and 26th Avenue on the other are station stops for electric trains. In addition to the electric trains, the record shows that a limited number of steam trains operate over the tracks at slow rates of speed in this vicinity.

The territory tributary to the proposed crossing is comparatively level and is only partially built up at this time. Traffic on 28th Avenue, in approaching the tracks, would have a fairly good view of approaching trains from either direction, particularly when the tight board fence is removed from the southwest side of the right-of-way.

On account of the small amount of vehicular traffic anticipated, it appears that a grade separation is not justified at this time and that no protection is necessary other than a suspended illuminated crossing sign and appropriate stop signs on each side of the tracks.

The proposed crossing will afford considerable convenience to the residents on 28th Avenue and the application should be granted.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that the City Council of the City of Oakland, in the County of Alameda, State of California, is hereby.

authorized to construct 88th Avenue at grade across the tracks of Southern Pacific Company, at the location as shown by the map (Exhibit 1) attached to the application herein, subject to the following conditions and not otherwise:

1. The above crossing shall be identified as Crossing No. G-13.87.
2. 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.
3. The crossing shall be constructed of a width of not less than forty (40) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 2A in our General Order No. 72; shall be protected by a Standard No. 2 illuminated crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
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 and directly or indirectly illuminated at night so as to be easily visible by motorists approaching said crossing.
5. Applicant shall cause to have removed the tight board fence now located along the southwest right-of-way line of the railroad for a distance of at least one hundred (100) feet on each side of 88th Avenue.
6. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
7. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

8- 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 30th day of December, 1930.

Chas. S. ...
...

David ...

M. J. ...
COMMISSIONERS.