

Decision No. 23512

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 East 10th Street.

ORIGINAL

Application No. 17165.

BY THE COMMISSION:

ORDER

The City Council, City of Oakland, County of Alameda, State of California, on January 29, 1931, applied for authority to construct a public street known as East Tenth Street at grade across the double track line of Southern Pacific Company, near Melrose Station in said City of Oakland. Southern Pacific Company on February 23, 1931, signified, in writing, that it has no objection to the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said double track line at the point mentioned and that the application should be granted, subject to certain conditions,

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 East Tenth Street at grade across the double track line of Southern Pacific Company, at the location as shown by the map (Exhibit A) attached thereto, subject to the

following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. C-10.65.
- (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 fifty (50) feet and at an angle to the railroad as shown by the map (Exhibit A) attached to the application and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3A or 3B in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two Standard No. 3 wigwags, as specified in General Order No. 75 of this Commission, and each equipped with two-train indicators, shall be installed at the sole expense of applicant, for the protection of said crossing and thereafter maintained by Southern Pacific Company.
- (5) 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.
- (6) 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.
- (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, public
convenience and necessity demand such action.

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

Dated at San Francisco, California, this 16th
day of March, 1931.

C. C. Kenney
Leon Whitley
W. J. Cunniff
W. B. Harris
Fred G. Stewart

Commissioners.