

ORIGINAL

Decision No. 23846 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application  of The Western Pacific Railroad  Company and Southern Pacific Com-  pany for permission to construct,  maintain and operate an extension  to a joint drill track of the above  named companies across 98th, or  Jones, Avenue in the City of Oakland,  County of Alameda, State of Cali-  fornia.</p>	)
--	---

Application No. 17367.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company and Southern Pacific Company, on May 14, 1931, applied for authority to construct a joint drill track at grade across 98th, or Jones, Avenue in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit (Resolution No. 48306 N. S.) has been granted by the City Council of said City for 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 at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The Western Pacific Railroad Company and Southern Pacific Company are hereby authorized to construct a joint drill track at grade across 98th, or Jones, Avenue in the City of Oakland, County of Alameda, State of California, at the location more particularly described in the application and as shown by the map (Exhibit "A," as revised June 16, 1931,) subject to the following conditions:

- (1) The above crossing of 98th, or Jones, Avenue shall be identified as a portion of Crossing No. 4-13.3
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicants.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 3, in our General Order No. 72, and shall be constructed of a width to conform to that portion of said avenue now graded, with the tops of rails at an elevation not less than shown by Exhibit "A," as revised June 16, 1931, with grades of approach not exceeding five (5) per cent, and shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75.
- (4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of their compliance with the conditions hereof.
- (5) 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.

- (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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of June, 1931.

Cl. Seavey  
Leon Whitney  
M. A. Con  
W. B. Harris  
Fred G. Stewart  
 Commissioners.