

Decision No. 23032.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of the CITY OF OAKLAND, a municipal corporation, to construct a railroad crossing across the spur tracks of the Southern Pacific Company on East 10th Street, and to construct a railroad crossing across the Southern Pacific Company's drill tracks on East 10th Street.</p>
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Application No. 17543.

BY THE COMMISSION:

O R D E R

The City Council of the City of Oakland, County of Alameda, State of California, on July 20th, 1931, applied for authority to construct a public street, known as Tenth Street, at grade across two spur tracks of Southern Pacific Company, in said City of Oakland. Southern Pacific Company, on July 31st, 1931, signified, in writing, that it has no objection to the construction of said crossings at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings with said tracks at the points 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 Tenth Street at grade across two spur tracks of Southern Pacific Company at the locations more particularly described in the application and as shown in yellow by the map

(Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The spur track crossing at the intersection of East Tenth Street and 47th Avenue shall be identified as Crossing No. D-10.66-C.

The spur track crossing of Tenth Street adjacent to the main line tracks of the Melrose Line shall be identified as a portion of Crossing No. C-10.65.

- (2) The entire expense of constructing the crossings shall be borne by Southern Pacific Company. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (3) The crossings shall be constructed of a width of not less than twenty-five (25) feet and at angles 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. 3, in our General Order No. 72; shall be protected by Standard No. 1 crossing signs, 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its 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 crossings, 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 5th day of August, 1931.

W. J. Carr
W. B. Harris
Fred G. Stewart

Commissioners.