

Decision No. 25625.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of THE WESTERN PACIFIC RAILROAD  
COMPANY for permission to con-  
struct, maintain and operate a  
track across Chestnut Street in  
the City of Oakland, County of  
Alameda, State of California,  
at grade.

Application No. 18697.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, on February 6, 1933, applied for authority to construct a connecting track at grade across Chestnut Street in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit (Ordinance No. 2827) 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 is hereby authorized to construct a connecting track at grade across Chestnut Street, 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") attached thereto, subject to the following conditions:

- (1) This order is made upon the express condition that Chestnut Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an

(1) cont'd.

authorization for the construction of an opening of said street to public use across said track. Said track shall be so constructed that grades of approach not exceeding four (4) per cent shall be feasible in the event that the construction of an opening of Chestnut Street across said track shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

- (2) 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.
- (3) 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.
- (4) 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 10<sup>th</sup> day of February, 1933.

C. C. Stewart  
W. A. Curran  
M. B. Williams  
Commissioners.