

Decision No. 11341

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
Southern Pacific Company for per-)
mission to construct a spur track)
at grade across 98th Avenue and)
Almond Street in the City of Oakland,)
County of Alameda, State of)
California.)

Application 8453

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on November 27, 1922, filed with the Commission an application for permission to construct a spur track at grade across 98th Avenue and Almond Street in the City of Oakland, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 25177 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said 98th Avenue and Almond Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a spur track at grade across 98th Avenue and Almond Street, in the City of Oakland, County of Alameda, State of California, described as follows:

Beginning at a point on the center line of the existing eastbound track of the Melrose-San Leandro Extension, distant thereon southeasterly 76 feet, more or less, from the southeasterly line of 98th Avenue; thence northeasterly on a curve concave

to the left to a point distant 4.71 feet measured at right angles from the aforesaid center line of the existing eastbound track a distance of 54.20 feet, more or less, along said center line of existing eastbound track from point of beginning; thence northwesterly and bearing $8^{\circ} 10'$ from aforesaid center line a distance of 10 feet to a point; thence on a curve of 30 degrees concave to the left whose radius is 191.122 feet a distance of 55 feet to a point; thence northwesterly bearing $16^{\circ} 25'$ from aforesaid center line of the existing eastbound track a distance of 1.45 feet to a point; thence continuing on a curve of 30 degrees, concave to the right whose radius is 191.122 feet a distance of 26 feet, more or less, to the southwesterly line of Almond Street, distant thereon northwesterly 9 feet, more or less, from the northwesterly line of 98th Avenue and 146.65 feet from point of beginning.

All the above as shown by the map (East Bay Divn. Draw. 3530) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first class condition for the safe and convenient use of the public shall be borne by the applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of 98th Avenue and Almond Street now graded, with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) The authorization herein granted for the installation of said crossings shall lapse and become void one year from the date of this order unless further time is granted by subsequent

order.

(5) 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, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 11th day of December, 1922.

H. B. Brundage
Orville Martin
Herbert A. Henshaw

Commissioners.