

Decision No. 7732

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of The Western Pacific Railroad Company, a corporation, for an order authorizing the laying down, construction, maintenance, and operation of spur track at grade across Oak Street and partly across Third Street, in the City of Oakland, County of Alameda, State of California, along the route in this application described.

ORIGINAL

Application No. 5787

By the Commission.

O R D E R

Western Pacific Railroad Company, a corporation, having, on June 7, 1920, filed with the Commission an application for permission to construct, maintain, and operate a spur track at grade across Oak Street and partly across Third Street, in the City of Oakland, Alameda County, 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 has been granted by the City Council of the 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 streets, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted Western Pacific Railroad Company to construct, maintain, and operate a spur track at grade across Oak Street and partly across Third Street, in the City of Oakland, Alameda County,

California, described as follows:

COMMENCING at a point on the main line track of The Western Pacific Railroad, which runs easterly and westerly along Third Street, in the City of Oakland, County of Alameda, State of California, said point of commencement being approximately 120 feet distant, measured westerly along said main line track of The Western Pacific Railroad from the westerly line of Oak Street; thence southeasterly on a curve, to the right, a distance of 130 feet, more or less, to the intersection of Third and Oak Streets; thence continuing southeasterly on said curve a distance of 85 feet more or less, across said intersection of Third and Oak Streets and across said Oak Street, to a point on the easterly line of said Oak Street distant 12 feet, more or less, from the southerly line of said Third Street, at which last mentioned point said spur track enters the block bounded by Second, Third, Oak and Fallon Streets.

All of the above as shown by the map 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 applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of Oak Street and Third Street to be crossed as 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) 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 16th day of
June, 1920.

Edwin O. Edgerton

H. D. Loveland

William Martin

Commissioners.