

Decision No. 8334

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Southern Pacific Company for permission to construct a spur track at grade across Fruitvale Avenue in the City of Oakland, County of Alameda, California.

Application No. 6277.

By the Commission,

ORDER

Southern Pacific Company, a corporation, having on November 6, 1920 filed with the Commission an application for permission to construct a spur track at grade across Fruitvale Avenue 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 has been granted by the City Council of the City of Oakland, in Resolution No. 21109 N. S., for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted Southern Pacific Company to construct a spur track at grade across Fruitvale Avenue in the City of Oakland, Alameda County, California, described as follows:

"Beginning at a point on the westerly line of Fruitvale Avenue, distant 40 plus or minus feet from the intersection of said westerly line of Fruitvale Ave. with the northerly line (produced) of Merchants Street; then south, easterly along a curve to the left whose radius is 250.79 feet a distance of 155 plus or minus feet to a point on the easterly line (produced) of Fruitvale Ave., said point being 15 plus or minus feet from the northeast corner of the intersection of Fruitvale Ave. with the northerly line of Alameda Ave. and measured along the easterly line (produced) of Fruitvale Avenue."

All of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:-

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

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of Fruitvale Avenue to be crossed as now graded, with grades of approach not exceeding one (1) per cent; shall be protected by a suitable crossing sign 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 crossing 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 15<sup>th</sup> day  
of November, 1920.

Edwin O. Edgerton  
H. D. Loveland  
Frank D. W. W.  
H. B. Boudicea  
Waring Weston  
Commissioner.