

Decision No. 4375-

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 East 14th Street and across tracks of San Francisco-Oakland Terminal Railways at 105th Avenue, City of Oakland, County of Alameda, California.

ORIGINAL

Application No. 7056.

E. J. Foulds, for Southern Pacific Company.
W. J. Burpee, for Durant Motor Company of California.

Rowell, Commissioner:

O P I N I O N

In this application the Southern Pacific Company asks for an order permitting immediate construction of a grade crossing on East 14th Street and 105th Avenue, Oakland, and also a grade crossing of the double track line of the San Francisco-Oakland Terminal Railways.

A hearing was held in Oakland on the 16th instant and it was the unanimous opinion of all interested parties, as also of the Commission's engineering department, that the permission asked should be granted. No protests were made against the construction of the proposed grade crossings. The proposed crossings are for a spur track to serve a new plant to be erected in Oakland by the Durant Motor Company of California.

and it is apparent that the spur is a vital necessity for the construction and operation of this plant and without the existence of this spur the plant could not be built.

The City Council of Oakland, in Resolution No. 22445 N.S., has granted the Motor Company permission to occupy the city streets with the proposed spur and the San Francisco-Oakland Terminal Railways, in a letter to the Commission, has indicated its willingness to consent to the construction of the crossing with its line under the usual provisions.

It is a fact that East 14th Street is one of the most important through traffic streets of Oakland and that a large amount of automobile and through traffic will pass over the proposed grade crossing. A separation of grades, because of the large cost involved, appears to be out of the question, however, at this time and no other arrangement appears practicable to serve this important industry. It is my recommendation, therefore, that the application be granted with the necessary provisions to safeguard these grade crossings.

I submit the following form of order:

O R D E R

Southern Pacific Company, a corporation, having on August 2, 1921, filed with the Commission an application for permission to construct a spur track at grade across East 14th Street and across tracks of San Francisco-Oakland Terminal Railways at 105th Avenue, in City of Oakland, County of Alameda, California, as hereinafter indicated, and it appearing that the necessary franchise or permit has been granted by City of Oakland for the construction of said crossing at grade, and that it is not reasonable nor practicable to avoid a grade crossing with said

tracks of San Francisco-Oakland Terminal Railways, 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 East 14th Street and across tracks of San Francisco-Oakland Terminal Railways at 105th Avenue, City of Oakland, Alameda County, California, described as follows:

Commencing at a point that is 12 feet northwesterly from the intersection of the center line of Bartlett Avenue (105th Avenue) with the southwesterly line of East 14th Street, running thence in a northeasterly direction across East 14th Street 110 feet more or less to a point that is 2 feet southeasterly from the intersection of the center line of Elmside (105th) Avenue with the northeasterly line of said East 14th Street.

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 of East 14th Street 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 of East 14th Street shall be constructed of a width and type of construction to conform to that portion of said street now graded as specified by City of Oakland; shall be protected by two suitable crossing signs and shall, in every way, be made safe for the passage thereover of vehicles and other road traffic.

(3) The entire expense of constructing the crossing of tracks of San Francisco-Oakland Terminal Railways, together with the cost of its maintenance thereafter shall be borne by applicant, subject to such agreement as may be hereafter entered into between said San Francisco-Oakland Terminal Railways and applicant.

(4) Applicant shall restrict the use of said crossing to the hours between 9 A. M. and 4 P. M., except on Sundays and holidays, when the use shall be restricted to between the hours of 5 A. M. and 7 A. M.

(5) Applicant shall not operate any cars over the crossing except such cars are coupled to and preceded by the locomotive propelling them.

(6) Applicant shall not operate any locomotive over said crossing unless it be preceded by a flagman who shall give suitable warning of its approach.

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

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

(9) 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 17th day of August, 1921.

H. B. Brundage
Dwight M. Austin

Chester A. Russell
J. H. Pennington

Commissioners.