

Decision No. 9934.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of)
Western Pacific Railroad Company)
for permission to construct a spur)
track at grade across 20th Avenue) Application No. 7381.
in the City of Oakland, County of)
Alameda, California.)

By The Commission:

O R D E R

Western Pacific Railroad Company, a corporation, having on November 30, 1921, filed with the Commission an application for permission to construct a spur track at grade across 20th Avenue in the City of Oakland, County of Alameda, 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 said City of Oakland 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 20th Avenue, 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 Western Pacific Railroad Company to construct a spur track at grade across 20th Avenue in the City of Oakland, County of Alameda, California, the center line of which is described as follows:

Beginning at a point on the Southeasterly side of said 20th Avenue, approximately 32 feet Southwesterly from the Southwesterly side of East 12th Street; thence across said 20th Avenue to a point on the Northeasterly side thereof distant approximately 44 feet from the Southwesterly side of said East 12th 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, 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 said 20th Avenue now graded, with grades of approach not exceeding two (2) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) 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.

(5) 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 ^{27th}~~24th~~ day of December, 1921.

H. B. Brundage
H. D. Overland
Waring Maitland
Charles H. Stone
W. H. Leland
Commissioners.