

Decision No. 28377.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the People of the State of California,
on relation of the Department of Public
Works, for an order authorizing con-
struction of a crossing at separated
grades of Broadway Terrace and the
tracks of the Sacramento Northern Rail-
way, in the City of Oakland, County of
Alameda, State of California.

Application No. 20246.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on November 8, 1935, applied for authority to construct a public highway known as Broadway Terrace, at separated grades under the main line track of Sacramento Northern Railway in the City of Oakland, County of Alameda, State of California. Sacramento Northern Railway, on November 9, 1935, signified in writing that it had no objection to the construction of said undergrade crossing.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as Broadway Terrace at separated grades under the main line track of Sacramento Northern Railway, in the City of Oakland, County of Alameda, State

of California, at the location as shown by the plan (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 8-11.1-B.
- (2) The entire expense of constructing the crossing in good and first-class condition for safe and convenient use of the public shall be borne by applicant. The cost of maintaining the substructure of said undergrade crossing below the base of the bridge seats, and the roadway paving, shall be borne by the City of Oakland. The cost of maintaining the superstructure above the base of the bridge seats and of the tracks and appurtenances thereto shall be borne by Sacramento Northern Railway. Before undertaking actual construction of said undergrade crossing, applicant shall file with the Commission a certified copy of a resolution or other action of the City of Oakland, to the effect that said City will assume the cost of maintaining the substructure of said crossing as provided herein.
- (3) Applicant shall within six (6) months from the date hereof, file with this Commission certified copy or copies of agreement or agreements entered into between the parties covering the terms of construction and maintenance of said grade separation, unless further time is granted by subsequent order.
- (4) Applicant shall file, for approval of this Commission, within one hundred and twenty (120) days from the date hereof and prior to the commencement of construction, a set of plans for said crossing, showing clearances, grades of approach and alignment, which plans shall have been approved by the Sacramento Northern Railway.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.

- (6) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file, or cause to be filed with this commission, a certified copy of an appropriate ordinance or resolution duly and regularly passed by the City Council of the City of Oakland, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing of Broadway Terrace and identified as Crossing No. 8-11.1. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 8-11.1 shall be legally abandoned and effectively closed to public use and travel. Sacramento Northern Railway shall immediately thereafter perform all the work and assume the expense in connection with physically abolishing said crossing, including the construction of any right of way fences.
- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 18th day of November, 1935.

W. B. Lewis

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Commissioners.