

Decision No. 28786

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 the construction of a crossing at separated grades of San Leandro Street and the tracks of the Southern Pacific and Western Pacific Railroads, at 105th Avenue, in the City of Oakland, County of Alameda, State of California.

Application No. 20434

ORIGINAL

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on March 20, 1936, applied for authority to construct a public highway known as San Leandro Street, at separated grades under the tracks of The Western Pacific Railroad Company and Southern Pacific Company at 105th Avenue in Oakland, Alameda County. The Western Pacific Railroad Company and Southern Pacific Company have signified, in writing, that they have no objection to the construction of said undergrade crossing. The cost of constructing said grade separation is to be financed from funds made available for the purpose by the Federal Government and, as San Leandro Street is a city street under the jurisdiction of the City of Oakland, that city has agreed to assume the cost of maintaining the structure.

The separation of grades will not eliminate all traffic crossing the tracks of The Western Pacific Railroad Company at 105th Avenue (Crossing No. 4-13.7), and it is recommended that this crossing be protected by flashing light signals. Authority to install such signals will be granted in this order. If the 105th Avenue

crossing is so protected, the adjacent grade crossing at 107th Avenue (Crossing No. 4-13.8) should be closed. Authority for a temporary detour crossing at grade with the main line of The Western Pacific Railroad for use during the construction of the grade separation is also requested.

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 San Leandro Street at separated grade under the tracks of The Western Pacific Railroad Company and Southern Pacific Company at 105th Street in the City of Oakland, County of Alameda, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified in so far as The Western Pacific Railroad Company is concerned as Crossing No. 4-13.7-B. In so far as Southern Pacific Company is concerned, the above crossing shall be identified as Crossing No. DH-13.8-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 said grade separation shall be borne in accordance with an agreement between the applicant, the railroad companies concerned and the City of Oakland, a copy of which shall be filed with the Commission as hereinafter provided.
- (3) Prior to the commencement of construction, applicant shall file a set of plans for said crossing, which plans shall have been approved by the interested parties.

- (4) Within six (6) months from the date of this order applicant shall file with the Commission a certified copy of an agreement between the interested parties covering the terms of construction and maintenance of said crossing.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) 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.
- (7) 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.

IT IS HEREBY FURTHER ORDERED that applicant is hereby authorized to construct a temporary detour crossing at grade with the main line of The Western Pacific Railroad Company in the vicinity of Moorpark Street in the City of Oakland, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 4-13.9.
- (2) The crossing shall be constructed of a width of not less than twenty-four (24) feet and with grades of approach not greater than six (6) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (3) The entire expense of constructing and maintaining the crossing shall be borne by applicant.
- (4) Upon completion of the grade separation of San Leandro Street with the tracks of The Western Pacific Railroad Company and Southern Pacific Company as herein authorized, the said temporary grade crossing, No. 4-13.9, shall be abolished and effectively closed to public use and travel.

IT IS HEREBY FURTHER ORDERED that applicant and The Western Pacific Railroad Company are hereby authorized to protect the crossing of 105th Avenue with the main line track of The Western Pacific Railroad Company (Crossing No. 4-13.7) with two flashing light signals of the type commonly known as the "A.R.A. Standard".

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

Dated at San Francisco, California, this 4th day of May, 1936.

M B Garri  
Leon Anthony  
W A Cunn  
Walter H. H. H.  
Frank R. H. H.

Commissioners