

ORIGINAL

Decision No. 38271

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 construction of crossings at separated grades and at grade of the State Highway (East Shore Freeway) and the tracks of the Southern Pacific Railroad (Central Pacific) at Fruitvale Avenue, in the City of Oakland, County of Alameda, State of California.

Application No. 26671

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, are authorized to construct as constituent parts of the system of state highways:

(a) An overhead crossing at separated grades of state highway (East Shore Freeway) and the tracks of the Southern Pacific Company near the intersection of Fruitvale Avenue with Elmwood Avenue in the City of Oakland, County of Alameda, State of California; at the location shown by map (Exhibit A) attached to the application; to be identified as Crossing No. D-9.89-CA. Construction and maintenance expense shall be borne in accordance with an agreement entered into between the parties relative to the construction and maintenance of said crossing, and copy of said agreement together with plans of said crossing approved by Southern Pacific Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

(b) A crossing at grade of an outer highway or service road (said highway being required by and constituting an integral part of said freeway) and the tracks of Southern Pacific Company on the northerly side of said proposed overhead crossing and at a point approximately three hundred (300) feet north of the existing crossing at grade of Elmwood Avenue and said tracks, in said City of Oakland, at the

location shown by map (Exhibit B) attached to the application, to be identified as Crossing No. D-9.87-C. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails, Southern Pacific Company shall bear maintenance cost between such lines. Width of crossing shall be not less than thirty-two (32) feet and grades of approach not greater than one per cent. Construction shall be equal or superior to Standard No. 2 of G.O. 72. Protection shall be by two Standard No. 8 flashing light signals, as provided for by G.O. 75-B of the Railroad Commission.

Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within two years, unless time is extended, or if conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

This order shall be effective immediately.

Dated at San Francisco, California, October 2, 1945.

Donald Rudman
Justice J. Casner
Wm. O. Gray
Charles H. Luce

COMMISSIONERS