

Decision No. 75223**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of the City of Oakland, a municipal	)	
corporation, to Construct a	)	Application No. 50686
Separation of the Grade of 73rd and	)	(Filed November 15, 1968)
77th Avenues at the Crossing Thereof	)	
by the Western Pacific Railroad Company)	)	
(Crossings Nos. 4-12.00 and 4-12.2).	)	

O R D E R

The City of Oakland is hereby authorized to construct a crossing at separated grades of Hegenberger Road over the tracks of The Western Pacific Railroad Company and Southern Pacific Company, in the City of Oakland, Alameda County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 4-12.0-A.

Construction and maintenance expense shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and copy of said agreement, together with plans of said crossing approved by The Western Pacific Railroad Company and Southern Pacific Company, shall be filed with the Commission within 180 days from the date hereof. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order. Clearances shall conform to the provisions of General Order No. 26-D during and after the period of construction.

When the separation structure authorized herein is opened to traffic, the existing 73rd and 77th Avenues Grade Crossings, Nos. 4-12.0 and 4-12.2, respectively, shall be abandoned and closed to public use.

This project was assigned Priority No. 3 by Decision No. 75114 in Case No. 8830 dated December 17, 1968, which established the 1969 Grade Separation List pursuant to Section 189 of the Streets and Highways Code.

Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless time be extended or if conditions are not complied with. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of JANUARY, 1969.

William J. Lyons, Jr.  
President

Augustine

Frederic P. Morrissey

J. P. Williams

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.