Decision No. 13093

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track crossing portion of 18th St. and across Peralta Street, in the City of Oakland County of Alameda, State of California.

Application No. 9702.



BY THE COMMISSION:

## ORDER

Southern Pacific Company, a corporation, having on January 16, 1924, filed with the Commission an application for permission to construct a spur track at grade across a portion of Eighteenth Street and across Peralta Street in the City of Oakland, County of Alameda, State of 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 (Resolution No. 28357) has been granted by the City Council of said City of Oakland for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets, 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 Southern Pacific Company to construct a spur track at grade across a portion of Eighteenth Street and across Peralta Street in the City of Oakland, County of Alameda, State of California, described as follows:

Beginning at a point on the center line of the existing westbound track of the 18th Street line distant thereon 86 feet westerly from the westerly line of Peralta Street, thence easterly on a curve concave to the left a distance of 54.2 feet to a point distant 4.71 feet measured at right angles from the aforesaid center line of the westbound track in 18th Street; thence continuing easterly and bearing 8010' left of said center line of the westbound track a distance of 6 feet to a point; thence on a curve concave to the left with a radius of 191.12feet a distance of 57 feet; thence continuing easterly tangent to curve at the last named point and bearing 25016' left of the aforesaid center line, a distance of 35 feet to a point; thence on a curve concave to the right with a radius of 229.30 feet a distance of 22 feet, more or less, to a point on the easterly line of Peralta Street distant thereon 8 feet northerly from the northerly line of 18th Street; thence into private property.

All of the above as shown by the map (East Bay Division Drawing 3717 Case D-12) attached to the application; said crossings to be constructed subject to the following conditions, viz:

- (1) The entire expense of constructing the crossings; together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.
- (2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) 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 there-

after, notify this Commission, in writing, of the completion of the installation of said crossings.

- (4) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.
- further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 28 day of January, 1924.

Commissioners.