

Decision No. 13260

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the matter of the application of  
Key System Transit Company, a  
corporation, for permission to con-  
struct, lay down and maintain a spur  
track at grade on the northerly side  
of Twenty-sixth Street between Magnolia  
and Adeline Streets in the City of  
Oakland, County of Alameda, State of  
California.

Application No. 9861.

BY THE COMMISSION:

O R D E R

Key System Transit Company, a corporation, having on March 6, 1924, filed with the Commission an application for permission to construct a spur track at grade across a portion of Twenty-sixth Street between Magnolia and Adeline Streets 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. 28194 New Series) has been granted by the City Council of said City of Oakland, for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Twenty-sixth Street, and that this application should be granted subject to the conditions herein-after specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Key System Transit Company to construct a spur track at grade across a portion of Twenty-sixth Street between Magnolia and Adeline Streets in the City of Oakland, County of Alameda, State of California, described as follows:

Beginning at a point on the center line of existing track on Twenty-sixth Street, distant thereon 16 feet, more or less, easterly from the easterly property line of Magnolia Street produced, and running thence easterly on the arc of a curve to the left with a radius of 191.12 feet, a distance of 44 feet, more or less; thence easterly on a tangent to said curve a distance of 50 feet, more or less; thence easterly on the arc of a curve to the right with a radius of 191.12 feet, a distance of 44 feet, more or less, to a point on a line parallel to and distant 21.5 feet northerly from aforesaid center line of existing track; thence easterly along said line a distance of 60 feet, more or less, to a point on said line distant westerly 44.5 feet, more or less, from the westerly property line of Adeline Street produced.

All of the above as shown by the map (B-208) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said Twenty-sixth Street 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 thereafter, notify this Commission, in writing, of the completion of

the installation of said crossing.

(4) If said crossing 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.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation maintenance and protection of said crossing 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 13<sup>th</sup> day of March, 1924.

C. L. Seaver  
H. H. Brown  
Dwight Martin  
J. Whittier  
Commissioners.