

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)
of The Atchison, Topeka and Santa)
Fe Railway Company, a corporation,)
for authority to construct and main-)
tain two spur tracks across 22nd and)
24th Streets, and one spur track in)
Wood Street and across 26th Street in)
the City of Oakland, County of Alameda,)
State of California.)

Application No. 10250

BY THE COMMISSION:

ORDER.

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 7th day of July, 1924, asking for authority to construct two spur tracks at grade across 22d and 24th Streets, and one spur track across Wood Street and across 26th Street, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 29625 N.S.) has been granted by the City Council of said City for the construction of said crossings at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide separated grade crossings at the points mentioned in this application, or to avoid grade crossings with said streets, and that this application should be granted subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct two spur tracks at grade across 22d and 24th Streets and one spur track across Wood Street and 26th Street, in the City of Oakland, County of Alameda, State of California, as follows:

Two parallel tracks 13 ft. apart crossing 24th Street parallel with and distant 173.5 feet and 186.5 feet, respectively, northwesterly from the northwesterly line of Wood Street.

Two parallel tracks 13 ft. apart crossing 22d Street parallel with and distant 173.5 feet and 186.5 feet, respectively, northwesterly from the northwesterly line of Wood Street.

Commencing at a point in Wood Street distant 230.33 feet northeasterly from the southwesterly line of 25th Street and 38 feet southeasterly from the northeasterly line of Wood Street; thence southwesterly on a 9 degree 30' curve concave northwesterly 174.69 feet to the northeasterly line of 26th Street; thence continuing on said curve 10.71 feet to a point; thence on a tangent southwesterly 51.14 feet to a point in the southwesterly line of 26th Street distant 11.55 feet northwesterly from the northwesterly line of Wood Street.

All of the above as shown by the map (Division Engineers Drawing No. V-18-195) 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 crossing of Wood Street shall be constructed of a width and type of construction to conform to that portion of said Wood 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) Said crossings of 22d, 24th and 26th Streets shall be so constructed that grades of approach not exceeding two (2) percent. will be feasible in the event that the construction of roadway along said 22d, 24th and 26th Streets shall hereafter be authorized, and so that said grade crossings of said 22d, 24th and 26th Streets may be made safe for the passage thereover of vehicles and other road traffic.

(4) Applicant shall, at its own expense, remove tracks

across 22d Street shown in dotted yellow on map attached to the application.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) 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.

(7) This order is made upon the express condition that 22d, 24th and 26th Streets are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of, or an opening of said streets to public use across said railroad tracks.

(8) The Commission reserves the right to make such 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 21st day of July, 1924.

C. L. Seawey
H. B. Brundage

J. T. Whittey
Commissioners.