

Decision No. 13853

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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

**ORIGINAL**

Application No. 10,301.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 21st day of July, 1924, asking for authority to construct a spur track at grade across Poplar Street, Kirkham Street, 22nd, 24th and 26th Streets in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 29832 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 Poplar Street, Kirkham Street, 22nd, 24th and 26th 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 a spur track at grade across Poplar

Street, Kirkham Street, 22nd 24th and 26th Streets in the City of Oakland, County of Alameda, State of California, as follows:

BEGINNING at a point in the center line of an existing spur track crossing Kirkham St. between 19th and 21st Streets at Oakland, California, said point lying 19.20 ft. easterly from the west line of Poplar St. and 158.00 ft. southerly from the south line of 21st St; thence northwesterly on the arc of a curve concave to the northeast and having a radius of 398.94 ft. a distance of 70.00 ft; thence continuing northwesterly on the arc of a curve concave to the northeast and having a radius of 276.18 ft. a distance of 361.69 ft. to a point which is distant 30.00 ft. easterly from the west line of Kirkham St. and 356.20 ft. southerly from the south line of 22nd St. produced across Kirkham St. thence northeasterly on the center line of Kirkham St. a distance of 1657.20 ft. to a point which is distant 87.00 ft. northerly from the northerly line of 26th St. produced across Kirkham St; thence northeasterly on the arc of a curve concave to the southeast and having a radius of 398.94 ft. a distance of 113.43 ft. to a point which is distant 119.19 ft. northerly from the northerly line of 26th St. produced across Kirkham St. and 13.90 ft. westerly from the easterly line of Kirkham St; thence northeasterly on a line parallel to and distant 15.00 ft. southeasterly from the southeasterly line of Peralta St. a distance of 337.67 ft. to the southerly line of 28th St.

All of the above as shown by the map (Assistant Engineer's No. 500-865-A) 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 of Poplar Street, Kirkham Street, 22nd and 24th Street shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said Poplar Street, Kirkham Street, 22nd and 24th Streets shall hereafter be authorized and so that said grade crossings of Poplar Street, Kirkham Street, 22nd and 24th Streets may be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossing of 26th Street shall be constructed of a width and type of construction to conform to that portion of said 26th 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.

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

(5) 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.

(6) This order is made upon the express condition that Poplar Street, Kirkham Street, 22nd and 24th 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 opening of said streets to public use across said railroad track.

(7) 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 28<sup>th</sup> day of July, 1924.

C. A. Casey  
H. B. Bondage  
Dwight Martin  
J. H. Whitney  
Commissioners.