

Decision No. 14383.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN  
PACIFIC COMPANY for an order authorizing  
the construction at grade of a side track  
across 23rd and 24th Streets,  
In the City of Oakland,  
County of Alameda,  
State of California.

Application No. 10657.

BY THE COMMISSION:

ORIGINAL

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 4th day of December, 1924, asking for authority to construct a side track at grade across 23rd and 24th Streets, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. It appears that the Southern Pacific Company through its predecessor, the Northern Railway Company, under and by virtue of the rights reserved in a certain deed of easement to the City of Oakland, dated September 10th, 1896, has the right to construct, maintain and operate railroad tracks across said streets without the necessity of securing a permit or franchise from the City of Oakland for the construction of these crossings at grade. It also 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said 23rd and 24th 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 Southern Pacific Company to construct a side track at grade across 23rd and 24th Streets, in the City of Oakland, County of Alameda, State of California, as follows:

"23rd Street Crossing: Beginning at a point in the northeasterly line of 23rd Street, distant northwesterly 197.5 ft. from the northwesterly line of Wood Street, measured along the said northeasterly line of 23rd Street, produced southeasterly; thence southwesterly on a straight line at right angles to the said northeasterly line of 23rd Street a distance of 60 ft. to a point in the southwesterly line of 23rd Street, the same being a description of a Southern Pacific Company's interchange track.

24th Street Crossing: Beginning at a point in the northeasterly line of 24th Street, distant thereon 197.5 ft. more or less from the northwesterly line of Wood Street; thence southwesterly on a straight line at right angles to the said northeasterly line of 24th Street, a distance of 60 ft. to a point in the southwesterly line of 24th Street; the same being a description of the center line of a Southern Pacific Company's interchange track."

and as shown by the map (Western Division Drawing O-568, Sheet 4, W. D. 8660) 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 should be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said 23rd and 24th Streets shall hereafter be authorized and so that said grade crossings may 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 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.

(5) This order is made upon the express condition that 23rd 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 an opening of said streets to public use across said railroad tracks.

(6) 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 18<sup>th</sup> day of December, 1924.

*O. L. Seaver*

*Irving Martin*

*J. L. Whittier*  
Commissioners.