

Decision No. 14686

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
SOUTHERN PACIFIC COMPANY and THE
ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY, for an order authorizing the
construction at grade of certain
tracks hereinafter particularly des-
cribed across certain streets herein-
after designated and across that
certain track of The Atchison, Topeka
& Santa Fe Railway Company near the
intersection of 26th and Wood Streets,
all in the City of Oakland, County of
Alameda, State of California.

Application No. 10789.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, and The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 3rd day of March, 1925, asking for authority to construct spur tracks at grade across certain streets in the City of Oakland, County of Alameda, State of California, and also for permission to construct a track at grade across a track of The Atchison, Topeka and Santa Fe Railway Company, a corporation, also within the City of Oakland, County of Alameda, State of California, all as hereinafter set forth.

A permit (Resolution No. 30283 N.S. passed August 5, 1924) has been granted by the City Council of the City of Oakland for the construction of the crossings at grade substantially in the locations described in the application above referred to, with the exception that the application requests authority to construct a track at grade across 26th Street, at a point 190 feet westerly from the westerly line of Campbell Street, whereas the above mentioned Resolution of the City Council does not grant permission to cross 26th Street at

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this point. Authority for the construction of said crossing of said 26th Street will therefore not be given in this decision.

By joining with Southern Pacific Company in the above application, The Atchison, Topeka and Santa Fe Railway Company has consented to the crossing at grade of its existing track in Wood Street, but a duly executed agreement between the parties covering the terms of installation and maintenance of this crossing, and operation thereover should be filed with this Commission.

It appears to the 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 these streets or with the track of The Atchison, Topeka and Santa Fe Railway Company, and that this application should be granted, except as to the crossing at 26th Street, 190 feet west of Campbell Street, 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 and The Atchison, Topeka and Santa Fe Railway Company jointly, to construct tracks at grade across certain streets in the City of Oakland, County of Alameda, State of California, and described as follows:

"SECTION "A":

1. COMMENCING at the intersection of the northerly line of 34th Street with the westerly line of Wood Street; thence westerly along the said northerly line of 34th Street, a distance of 255.00 feet, more or less, to the point of beginning of the center line of track to be described; thence southerly on the arc of a curve, concave to the left, crossing 34th Street, a distance of 195.00 feet, more or less, to a point in the center line of Surryhne Street, the end of curve; thence southeasterly along the said center line of Surryhne Street (tangent to last described curve) and along the southerly production of the center line of Surryhne Street, crossing 32nd Street (formerly "A" Street) a distance of 519 feet, more or less, to a point in the southerly line of said 32nd Street (formerly "A" Street).

2. - Including crossing of The Atchison, Topeka & Santa Fe Railway Company's Track.

COMMENCING at the intersection of the northerly line of 26th Street with the westerly line of Wood Street; thence northerly along the said westerly line of Wood Street, a distance of 108.00 feet, more or less, to a point, said point being in the southerly production of the center line of Surryhne Street, the point of beginning of the center line of track to be described; thence southeasterly upon and across Wood Street and along the said southerly production of the center line of Surryhne Street, a distance of 40.00 feet, more or less to an intersection with the center line of the present Atchison, Topeka and Santa Fe Railway Company's track; said intersection makes an approximate angle of $47^{\circ} 15'$ to the right; thence continuing southerly upon and across Wood Street, crossing the said Atchison, Topeka and Santa Fe Railway Company's track at grade, and along the said southerly production of the center line of Surryhne Street, a distance of 36.00 feet, more or less, to point of curve; thence continuing southerly upon and across Wood Street and on the arc of a curve, concave to the left, (tangent to said curve at the last mentioned point is the last described course), a distance of 4.00 feet, more or less to an intersection with the easterly line of Wood Street, said point being distant 53.00 feet, more or less, measured northerly along the said easterly line of Wood Street from the said northerly line of 26th Street.

3. - COMMENCING at the intersection of the easterly line of Wood Street, with the Northerly line of 26th Street; thence easterly along the said northerly line of 26th Street, a distance of 84.00 feet, more or less, to the point of beginning of the center line of track to be described; thence southeasterly upon and along 26th Street, on the arc of a curve, concave to the left, a distance of 142.00 feet, more or less, to a point in the center line of 26th Street, the end of curve; thence southeasterly (tangent to last described curve) along the said center line of 26th Street, crossing Willow Street and Campbell Street, a distance of 889.00 feet, more or less, to point of curve; thence southerly upon and along 26th Street and Peralta Street on the arc of a curve, concave to the right (the tangent of said curve at the last mentioned point is the last described course) a distance of 160.00 feet, more or less, to an intersection with the easterly line of Peralta Street, said point being distant 23.0 feet, more or less, measured southerly along the said easterly line of Peralta Street from the Southerly line of 26th Street.

4. - COMMENCING at the intersection of the westerly line of Kirkham Street with the southerly line of 26th Street; thence southerly along the said westerly line of Kirkham Street, a distance of 81.00 feet, more or less to the point of beginning of the center line of track to be described; thence southerly upon and along Kirkham Street, on the arc of a curve, concave to the right, a distance of 152.00 feet, more or less, to a point in the center line of Kirkham Street, the end of curve; thence southerly (tangent to last described curve) along the said center line of Kirkham Street, crossing

24th Street and 22nd Street, a distance of 1195.00 feet, more or less, to point of curve; thence southerly, upon and along Kirkham Street and 21st Street, on the arc of a curve, concave to the left (the tangent to said curve at the last mentioned point is the last described course), a distance of 176.00 feet, more or less, to an intersection with the southerly line of 21st Street, said point being distant 10.00 feet, more or less, measured easterly along the said southerly line of 21st Street from the easterly line of Kirkham Street.

SECTION "B":

BEGINNING at a point in the center line of previously described track (Section "A", No. 4), said point being distant 280.00 feet, more or less, measured northerly along the center line of Kirkham Street from its intersection with the production of the northerly line of 24th Street; thence continuing northerly along the said center line of Kirkham Street, a distance of 356.00 feet, more or less, to point of curve; thence northeasterly upon and along Kirkham Street, on a curve, concave to the right (the tangent to said curve at the last mentioned point is the last described course) a distance of 88.00 feet, more or less, to end of curve; thence northeasterly (tangent to last described curve) upon and along Kirkham Street, a distance of 50.00 feet, more or less, to a point in the easterly line of Kirkham Street, said point being distant 197.00 feet, more or less, measured northerly along the said easterly line of Kirkham Street from the northerly line of 26th Street.

SECTION "C":

1. BEGINNING at a point in the center line of previously described track (Section "B"), said point being distant 5.00 feet, more or less, measured southerly along the center line of Kirkham Street from its intersection with the production of the northerly line of 26th Street; thence northwesterly on a curve, concave to the left, upon and along Kirkham Street and upon and along Peralta Street, a distance of 173.00 feet, more or less, to end of curve; thence northwesterly along the southerly production of the center line of Ettie Street (tangent to last described curve), a distance of 18.00 feet, more or less, to a point in the westerly line of Peralta Street, and point being distant 180.00 feet, more or less, measured northerly along the said westerly line of Peralta Street from its intersection with the northerly line of 26th Street.

2. COMMENCING at the intersection of the westerly line of Peralta Street with the southerly line of 28th Street; thence westerly along the southerly line of 28th Street, a distance of 281.00 feet, more or less, to a point in the southerly production of the center line of Ettie Street, the point of beginning of the center line of track to be described; thence northerly along the said southerly production of the center line of Ettie Street and along the center line of Ettie Street, crossing 28th Street, a distance of 688 feet, more or less, to a point in the production of the southerly line of 32nd Street.

SECTION "D":

1. BEGINNING at a point in the center line of the present spur track of the Atchison, Topeka & Santa Fe Railway Company, said point being distant 25.00 feet, more or less southerly from the production westerly of the southerly line of Yerba Buena Avenue; thence south-

easterly upon and along Beach Street on a curve, concave to the left, a distance of 254.00 feet, more or less, to a point in the center line of Beach Street; thence southeasterly along the center line of Beach Street, (tangent to last described curve) a distance of 193.00 feet, more or less, to a point; thence southerly (upon and along Beach Street) on a curve, concave to the right (the tangent to said curve at the last mentioned point is the last described course), a distance of 145.00 feet, more or less, to a point in the center line of Beach Street; thence southerly along the center line of Beach Street (tangent to last described curve) crossing 34th Street, 32nd Street, a distance of 1463.00 feet, more or less, to a point; thence southerly upon and along Beach Street and 28th Street, on a curve, concave to the right (the tangent to said curve at the last mentioned point is the last described course), a distance of 150.00 feet, more or less, to a point in the southerly line of 28th Street, said point being distant 225.00 feet, more or less, measured westerly along the said southerly line of 28th Street, from its intersection with the westerly line of Campbell Street.

SECTION "E":

1. BEGINNING at a point in 26th Street on the center line of previously described track (Section "A", No. 3) distant thereon 65.00 feet, more or less, westerly from the westerly line of Willow Street; thence easterly upon and along 26th Street and its intersection with Willow Street, on a curve concave to the right, a distance of 145.00 feet, more or less, to a point in the southerly line of 26th Street, said point being distant 18.00 feet, more or less, easterly measured along the said southerly line of 26th Street from the easterly line of Willow Street.

2. BEGINNING at a point on the northerly line of 24th Street, distant thereon 190 feet, more or less, westerly from the westerly line of Campbell Street; thence southerly upon and across 24th Street, a distance of 60 feet, more or less, to a point on the Southerly line of 24th Street, distant thereon 190 feet, more or less, westerly from the westerly line of Campbell Street.

3. BEGINNING at a point on the northerly line of 22nd Street, distant thereon 190 feet, more or less, westerly from the westerly line of Campbell Street; thence southerly upon and across 22nd Street, a distance of 60 feet, more or less, to a point on the southerly line of 22nd Street, distant thereon 190 feet, more or less, westerly from the westerly line of Campbell Street.

SECTION "F":

1. BEGINNING at a point in 26th Street on the center line of previously described track (Section "A", No. 3), distant thereon 65.00 feet, more or less, westerly from the westerly line of Campbell Street; thence southeasterly on and along 26th Street and its intersection with Campbell Street, on a curve concave to the right, a distance of 145.00 feet, more or less, to a point in the southerly line of 26th Street, said point being distant 18.00 feet, more or less, easterly measured along the southerly line of 26th Street from the easterly line of Campbell Street.

2. BEGINNING at a point on the northerly line of 24th Street, distant thereon 180 feet, more or less, westerly from the westerly line of Peralta Street; thence southerly upon and across 24th Street,

a distance of 60 feet, more or less, to a point on the southerly line of 24th Street, distant thereon 180 feet, more or less, westerly from the westerly line of Peralta Street."

and as shown by the map (M.W.D. Drawing 4656 Sheet No. 1, Revised October 31, 1924) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings of the streets 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 applicants.

(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 tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company to construct a track at grade across a track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Oakland, County of Alameda, State of California, at a location near the intersection of 26th and Wood Streets, as described in Section "A", Paragraph 2 of the hereinbefore given description, and as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, namely:

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

(2) All trains, motors, engines and cars of applicants shall stop before crossing the track of The Atchison, Topeka and Santa Fe Railway Company and shall not proceed thereover until a

competent employee has gone upon the crossing to ascertain that it is safe so to do and shall have given a suitable signal to proceed.

(3) All trains, motors, engines or cars of The Atchison, Topeka and Santa Fe Railway Company shall stop before crossing the track of applicants, and shall not proceed thereover until it has been ascertained that it safe so to do.

(4) Applicants shall within ninety (90) days from the date of this order file with the Commission a duly executed agreement with The Atchison, Topeka and Santa Fe Railway Company covering the terms of installation and maintenance of the crossing of the track of said company and the operation thereover.

IT IS HEREBY FURTHER ORDERED that:

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

(2) 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.

(3) 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.

IT IS HEREBY FURTHER ORDERED that that portion of this proceeding relating to the construction of a track at grade across 26th Street at a point 190 feet westerly from the westerly line of Campbell Street in the City of Oakland, County of Alameda, State of California, be and it is hereby dismissed without prejudice.

The authority herein granted shall become effective on
the date hereof.

Dated at San Francisco, California, this 19th day of
March, 1925.

H. B. Burdige

C. Seavey

Egerton Shore

George D. Squires

Emmuel West

Commissioners.