

Decision No. 14972,

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 drill track across 18th, Cypress, 17th, 16th, 15th, 14th Streets and across the double track railway of the Key System Transit Company at 16th and Cypress Streets, in the City of Oakland, County of Alameda, State of California.

Application No. 11131.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of May, 1925, asking for authority to construct a drill track at grade across 18th, Cypress, 17th, 16th, 15th and 14th Streets and at grade across the double track street railway of the Key System Transit Company, at 16th and Cypress Streets, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 32425 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossings at grade. The Key System Transit Company has signified by letter that it has no objection to the construction of said crossing with its 16th Street car line. 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said 18th, Cypress, 17th, 16th, 15th, and 14th Streets and with said street car tracks in 16th Street 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 drill track at grade across 18th, Cypress, 17th, 16th, 15th and 14th Streets, in the City of Oakland, County of Alameda, State of California, as follows:

BEGINNING at a point on the center line of the east-bound track of the 18th Street Electric Line, as said track is located on 18th Street between Cypress and Kirkham Streets in the City of Oakland, said point being distant thereon easterly 160 feet, more or less, from the easterly line of Cypress Street; thence westerly on a curve concave to the left with a radius of 461.978 feet, an arc distance of 54.21 feet, to a point distant 4.7 feet at a right angle to aforesaid center line; thence continuing westerly tangent to last named curve, and bearing 8 degrees 10' to the left of aforesaid center line, a distance of 10 feet to a point; thence continuing westerly and southwesterly on a curve, concave to the left, with a radius of 141.783 feet, an arc distance of 75 feet to a point on the southerly line of 18th Street, distant thereon easterly 28 feet, more or less, from the easterly line of Cypress Street.

BEGINNING at a point on the easterly line of Cypress Street distant thereon southerly 28 feet, more or less, from the southerly line of 18th Street; thence southwesterly on a curve, concave to the left with a radius of 141.783 feet, an arc distance of 95 feet, to a point on the center line of Cypress Street, distant thereon northerly 97 feet, more or less, from the northerly line of 17th Street; thence continuing southerly 1000 feet, more or less, along the center line of Cypress Street (tangent to last named curve) crossing 17th Street, 16th Street and the two tracks of the Key System Transit Company located thereon, 15th Street and 14th Street to a point on the southerly line thereof, distant thereon westerly 378.83 feet, more or less, from the westerly line of Kirkham Street.

and as shown by the map (East Bay Division, Dwg. 3882; Case F-21) 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 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 one (1) 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.

(3) No train, engine, motor or car of applicant shall be operated over said crossings of 16th Street and 14th Street, unless said train, engine, motor or car shall be under full control. Traffic on 14th Street shall be protected by a member of the train crew or other competent employee acting as flagman.

(4) Two automatic flagmen shall be installed for the protection of said crossing of 16th Street, one for each side of the Street, at the sole expense of applicant, said automatic flagmen to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagmen shall be borne by applicant.

(5) No locomotive, train or car shall be operated over said drill track on the crossings of 18th, Cypress, 17th, 16th, 15th and 14th Streets except between the hours of 9 P.M. and 7 A.M.

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

(7) 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.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a drill track across the double track street car line of the Key System Transit Company in 16th Street at Cypress Street, in the City of Oakland, County of Alameda, State of California, as shown by the map (East Bay Division, Dwg. 3882; Case F-21) attached to the application; said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing, 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 applicant shall stop before crossing the tracks of Key System Transit Company and shall not proceed thereover until it has been ascertained that it is safe so to do.

(3) Between the hours of 9 P.M. and 7 A.M. all trains, motors or cars of Key System Transit Company shall stop before going upon said crossing at 16th and Cypress Streets and shall not proceed thereover until it has been ascertained that it is safe so to do.

(4) Applicant shall, within sixty (60) days of the date of this order, file with the Commission a duly executed copy or copies of agreement or agreements with said Key System Transit Company, covering the terms of installation, operation and maintenance of said crossing.

(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 crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall lapse and become void unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that the Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings of 18th, Cypress, 17th, 16th, 15th and 14th Streets and the tracks of the Key System Transit Company in 16th Street, 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 23rd day of May, 1925.

H. B. Brundage

O. S. Quay

Egerton Shore

E. M. Edwards

Commissioners.