

Decision No. 15293.

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 por-  
tions of Kirkham and 26th Streets  
and across 24th and Peralta Streets,  
in the City of Oakland, County of  
Alameda, State of California.

Application No. 11473.

BY THE COMMISSION:

ORIGINAL

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 23rd day of July, 1925, asking for authority to construct an industry track at grade across portions of Kirkham and 26th Streets and across 24th and Peralta Streets, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 32921) has been granted by the City Council of said City for the construction of said crossings at grade. The track as proposed will be constructed for a distance of 310 feet with its center line eight feet six inches easterly from the westerly line of Kirkham Street, which is not in accordance with the Commission's General Order No. 262. Southern Pacific Company has stated that the owner of the property fronting on Kirkham Street at this point will execute a contract agreeing to grant a right of way for a pole line when such right of way is required. 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 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 an industry track at grade across portions of Kirkham and 26th Streets and across 24th and Peralta Streets, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point in the center line of 26th Street in the City of Oakland, County of Alameda, State of California, said point being distant along said center line of 26th Street North  $57^{\circ} 42'$  West 181.0 feet, more or less, from the center line of Peralta Street; thence through the curvature of a standard No. 7 turnout 54.2 feet, more or less, to a point; thence South  $49^{\circ} 32'$  East (and tangent to the last mentioned curve) a distance of 38.8 feet to a point; thence on the arc of a curve concave to the right having a radius of 286.84 feet, (whose tangent at the last described point is the last described course), a distance of 139.2 feet to a point in the southeasterly line of said Peralta Street; thence continuing along said curve across private property a distance of 118.5 feet to a point in the northwesterly line of Kirkham Street; thence continuing along said curve a distance of 70.0 feet to a point, (said point lying in said Kirkham Street and distant 8.5 feet measured at right angles southeasterly from the aforementioned northwesterly line of Kirkham Street); thence South  $15^{\circ} 56'$  West, (parallel to and distant 8.5 feet measured at right angles southeasterly from the northwesterly line of Kirkham Street), a distance of 310.9 feet to a point in the northeasterly line of 24th Street produced; thence on the arc of a curve concave to the left having a radius of 382.26 feet, (whose tangent at the last mentioned point is the last described course), a distance of 54.4 feet; thence South  $7^{\circ} 46'$  West 90.8 feet to a point; thence through the curvature of a standard No. 7 turnout 54.2 feet to a point in the center line of Kirkham Street, said point being South  $15^{\circ} 56'$  West 168.1 feet measured along the center line of Kirkham Street from the center line of 24th Street.

and as shown by the map (Western Division Drawing O-626) 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) 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-a of this Commission.

(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.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of August, 1925.

Albany

George D. Squire

Leon White

Commissioners.