

Decision No. 15381

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Key System Transit Company, a cor-  
poration, for permission to construct,  
lay down and maintain a spur track  
across 26th Street between Magnolia  
and Union Streets at grade in the City  
of Oakland, County of Alameda, State  
of California.

Application No. 11559.

ORIGINAL

BY THE COMMISSION:

ORDER

Key System Transit Company, a corporation, filed the above entitled application with this Commission on the 10th day of August, 1925, asking for authority to construct a spur track at grade across 26th Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 33202 N.S.) has been granted by the City Council of said City of Oakland for the construction of said crossing at grade. 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 a grade separation, or to avoid a grade crossing at the point mentioned in this application with said 26th 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 Key System Transit Company to construct a spur track at grade across 26th Street, in the City of

Oakland, County of Alameda, State of California, as follows:

Beginning at a point on the center line of existing track on 26th Street said point being 218.5 feet more or less westerly from the western property line of Magnolia Street produced, and running thence easterly and northerly along the arc of a curve to the left with a radius of 191.12 feet, a distance of 116.7 feet more or less; thence northeasterly on a tangent to said curve, a distance of 100 feet more or less to end of proposed track.

and as shown by the map (B-234; Exhibit "B") attached to the application; said crossing to be constructed subject to the following conditions, viz:

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

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said 26th Street now graded, with the tops of rails flush with the roadway 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.

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

(4) If said crossing 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) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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 25<sup>th</sup> day  
of August, 1925.

Ol. Leary  
George D. Squires  
Edward Leets  
Leon Whitell  
Commissioners.