

Decision No. 15619

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 spur track across a portion of Kirkham Street and across Twenty-second Street in the City of Oakland, County of Alameda, State of California.

**ORIGINAL**  
Application 12885.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 27th day of October, 1925, asking for authority to construct a spur track at grade across a portion of Kirkham Street and across Twenty-second Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 34051 N.S.) has been granted by the City Council of said City for the construction of said crossings 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 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 a spur track at grade across a portion of Kirkham Street and across Twenty-second Street in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point in the center line of Kirkham Street, said point being distant 110 feet, more or less, northerly thereon from the northerly line of Twenty-second Street, produced; thence southwesterly through a No. 7 turnout to the right for a distance of 62.64 feet to a point; thence along a tangent, which makes an angle of 8 degrees 10 minutes to the right with said center line of Kirkham Street for a distance of 20 feet, more or less, to a point; thence along the arc of a curve, concave to the right, having a radius of 254.75 feet, a distance of 94 feet, more or less, to a point in the southerly line of Twenty-second Street, said point being distant thereon 8 feet, more or less, westerly from the western line of Kirkham Street.

and as shown by the map (No. 0-678 Sheet 1) 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 so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said Kirkham Street and Twenty-second Street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereof 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 Kirkham Street and Twenty-second Street 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 street 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.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of November, 1925.

H. V. Brundage

George D. Squires

Ernest C. ...

Commissioners.