

Decision No. ✓ 831.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of
Southern Pacific Company for an
order authorizing the construc-
tion at grade of a spur track
across a portion of Kirkham Street,
in the City of Oakland, County of
Alameda, State of California.

Application No. 12,374.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 28th day of December, 1925, asking for authority to construct a spur track at grade across a portion of Kirkham Street, near 24th Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 34643 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 portion of Kirkham 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 spur track at grade across a portion of Kirkham Street, in the City of

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

"BEGINNING at a point in the existing drill track on the center line of Kirkham Street, in the City of Oakland, County of Alameda, State of California, said point being distant along said center line of said Kirkham Street, South 15° 56' West 382.8 feet from the easterly line of 24th Street; thence northerly through a No. 7 turnout 62.6 feet to a point; thence North 7° 46' East 10.0 feet to a point; thence in a curve to the left having a radius of 238.8 feet, a distance of 71.0 feet to a point; thence North 9° 17' West, 8.3 feet to a point on the westerly line of Kirkham Street, said point being distant along said westerly line of Kirkham Street, South 15° 56' West, 235.3 feet from the said southerly line of 24th Street."

and as shown by the map (Western Div'n. Dwg. O.695 Sheet 1 Revised) 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 so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said portion of Kirkham Street shall hereafter be authorized and so that said grade crossing may 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) This order is made upon the express condition that said portion of Kirkham Street is 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 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 13th day of January, 1926.

H. B. Brundage

C. C. Seaver

Leon Whitell

Commissioners.