

Decision No. 16095

ORIGINAL

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 a
portion of First Street, in the City
of Oakland, County of Alameda, State
of California.

Application No. 12,540.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 16th day of February, 1926, asking for authority to construct a side track at grade across a portion of First Street, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchises or permits (Ordinances Nos. 325 & 312 and Deeds dated October 16, 1869, and January 12, 1912) have been granted by 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 First 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 side

track at grade across a portion of First Street, in the City of Oakland, County of Alameda, State of California, as follows:

New Track Connection

BEGINNING at a point in the existing westbound main line of the Central Pacific Ry. Co. in First St., City of Oakland, County of Alameda, State of California, said point being more particularly described as being distant 39 ft. more or less southerly at right angles from a point in the northerly line of said 1st St., which said point in said northerly line of 1st St. is distant 180 ft. more or less easterly from the easterly line of Brush St.; thence from said point of beginning westerly thru a standard No. 10 turnout to the right, 80 ft. more or less to a point; thence continuing westerly in a straight line and bearing $5^{\circ} 44'$ to the right or northerly from a line parallel to the center line of the existing track through the last mentioned point a distance of 28 ft. more or less to a point; thence in a curve to the right having a radius of 279.6 ft. whose tangent at the last described point is the last described course, a distance of 49 ft. more or less to a point, said point being distant at right angles 18 ft. more or less southerly from a point in the aforesaid northerly line of 1st St., which said point in the northerly line of 1st St. is distant 24 ft. more or less easterly from the easterly line of Brush St.; thence from the last described point on the curve hereinabove described, westerly and tangent to said curve 40 ft. more or less to a point; thence on a curve to the left tangent to last described course, and having a radius of 260.5 ft., a distance of 75 ft. to a point in the existing siding in First St., said point being 10 ft. more or less westerly along said siding from the westerly line of Brush St.

Track to be Removed

BEGINNING at a point in the existing siding on First St., Oakland, said point being more particularly described as being distant 8.5 ft. at right angles from a point in the northerly line of First St., which point in the northerly line of 1st St. is distant 44 ft. more or less easterly from easterly line of Brush St.; thence from said point of beginning westerly and parallel with the northerly line of 1st St. 55 ft. more or less to a point; thence following the curvature of said siding westerly, and to the left or southerly a distance of 79 ft. more or less to a point in said siding which is distant 10 ft. westerly from the westerly line of Brush St.

Track to be Moved

BEGINNING at a point in the existing siding in First St., Oakland, said point being more particularly described as being distant 8.5 ft. southerly at right angles from a point in the northerly line of 1st St., which said point in the northerly line of 1st St. is distant 44 ft. more or less easterly from the easterly line of Brush St.; thence from said point of beginning westerly on the arc of a curve to the right or northerly, having a radius of 382.2 ft., a distance of 44.5 ft. more or less to a point in the easterly line of Brush St., and distant thereon 6 ft. more or less southerly from the aforesaid northerly line of 1st St.

and as shown by the map (Western Div'n., Dwg. C.719, Sheet 1) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said First 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) 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 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 7th day of March, 1926.

H. B. Rindge

C. Seavey

Leon Whitall

Commissioners.