

Decision No. 16324.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, for an order authorizing the construction at grade of a proposed drill track across Twenty-sixth, Campbell, Twenty-eighth and Ettie Streets, in the City of Oakland, County of Alameda, State of California.

ORIGINAL

Application No. 12639.

BY THE COMMISSION:

O R D E R

Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, corporations, filed the above-entitled application with this Commission on the 17th day of March, 1926, asking for authority to construct a drill track at grade across Twenty-sixth, Campbell, Twenty-eighth and Ettie Streets in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 35215) 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 and The Atchison, Topeka and Santa Fe Railway Company to construct a drill track at grade across Twenty-sixth, Campbell, Twenty-eighth and Ettie

Streets in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point on the 26th. Street drill track, which point is also in the center of 26th. Street 100 feet more or less southeasterly from the southeasterly line of Willow Street; thence to the left in a southeasterly direction thru a standard number seven turnout a distance of 62.6 feet to a point; thence northeasterly in a line making an angle of  $8^{\circ} 10'$  with a line thru the last mentioned point and parallel to the center line of the aforesaid 26th. Street drill track, a distance of 85 feet, more or less to a point; thence on a curve to the left having a radius of 191.12 feet a distance of 47 feet more or less to a point in the northeasterly line of 26th. Street 88 feet more or less northwesterly from the northwesterly line of Campbell Street, being the center line of a portion of a spur track in 26th. Street.

Beginning at a point in the northwesterly line of Campbell Street, distant thereon northeasterly 75 feet more or less from the northeasterly line of 26th. Street; thence northeasterly on a curve to the left, having a radius of 191.12 feet, a distance of 111 feet more or less to a point in the center of Campbell Street and distant thereon 120 feet more or less northeasterly from the northeasterly line of 26th. Street; thence continuing on the center line of Campbell Street, (said center line of Campbell Street being tangent to last mentioned curve at last mentioned point) northeasterly a distance of 245 feet more or less to the intersection of the center line of Campbell Street with the southwesterly line of 28th. Street; thence continuing northeasterly on the last mentioned course into 28th. Street a distance of 36 feet more or less to a point; thence on a curve to the left, having a radius of 286.84 feet, a distance of 26 feet more or less to a point in the northeasterly line of 28th. Street distant northwesterly 42 feet more or less from the intersection of said northeasterly line of 28th. Street with the southwesterly line of Ettie Street, being the center line of a portion of a spur track in Campbell and 28th. Streets.

Beginning at a point in the southwesterly line of Ettie Street distant thereon northwesterly 76 feet more or less from the intersection of said southwesterly line of Ettie Street with the northeasterly line of 28th. Street; thence on a curve to the left, having a radius of 286.84 feet, a distance of 134 feet more or less to a point in the center line of Ettie Street and distant thereon 223 feet more or less northwesterly from the northeasterly line of 26th. Street; thence continuing on the center line of Ettie Street (said center line of Ettie Street being tangent to last mentioned curve at last mentioned point) northwesterly a distance of 400 feet more or less to the intersection of the center line of Ettie Street, with the southeasterly line of 32nd. Street, being the center line of a spur track in Ettie Street,

and as shown by the map (Western Division Drawing O-710) attached to the application; said crossings to be constructed subject to the following conditions, namely:

(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 applicants.

(2) Said crossings 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 streets shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicants shall permit joint operation of the tracks the construction of which necessitates the crossings herein authorized by any other railroad owner or operator, or owners or operators under terms which meet with the approval of this Commission.

(4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) 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.

(6) This order is made upon the express condition that Twenty-sixth, Campbell, Twenty-eighth and Ettie Streets 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 or opening of said streets to public use across said railroad tracks.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, mainten-

ance 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 29<sup>th</sup> day of March, 1926.

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Commissioners.