

Decision No. 16574.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Key System Transit Company, a corporation, for permission to construct, lay down and maintain a spur track across Linden Street at 42nd Street, at grade, in the City of Oakland, County of Alameda, State of California.

ORIGINAL
Application No. 12,763.

BY THE COMMISSION:

O R D E R

Key System Transit Company, a corporation, filed the above entitled application with this Commission on the 17th day of April, 1926, asking for authority to construct a spur track at grade across 42nd Street and at grade across a portion of Linden Street, in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 35,887) has been granted by the City Council of said City 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 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 Key System Transit Company to construct a spur track at grade across 42nd Street and at grade across a portion of Linden Street, in the City of Oakland, County of Alameda, State of California, as follows:

Beginning at a point on the center line of the existing northerly track on Linden Street, said point being 58 feet more or less westerly from the westerly property line of 42nd Street produced, and running thence in an easterly direction along reverse curves to a point 10 feet northerly of the northerly property line of Linden Street, thence easterly and parallel to said northerly property line to the westerly property line of 43rd Street, a total distance of 325 feet more or less;

and as shown by the map (B-253) 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. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding four (4) 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 granting to Key System Transit Company authority to operate said spur track until adequate safety measures or protective devices have been installed subject to the approval of this Commission, for the protection of main line rail traffic.

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 26th day of April, 1926.

H. B. Chandler
C. L. Stevens

Leon Whitely

Commissioners.

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