

ORIGINAL

Decision No. 16649.

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, near
22nd Street, in the City of Oak-
land, County of Alameda, State of
California.

Application No. 12781.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 24th day of April, 1926, asking for authority 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 hereinafter set forth. The necessary franchise or permit (Resolution No. 35939 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 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 center line of Kirkham Street, said point being 380 feet more or less, northerly from the intersection of said center line of Kirkham Street with the northerly line of 22nd Street; thence proceeding in a southwesterly direction through a standard No. 7 turnout a distance of 54 feet more or less to a point, said point being 4.7 feet from the center line of Kirkham Street measured at right angles therefrom in a westerly direction; thence proceeding in a southwesterly direction on a line which forms an angle of $8^{\circ} 10'$ with a line parallel to the center line of Kirkham Street, through the last described point, a distance of 10 feet more or less to a point; thence proceeding on the arc of a curve, tangent to the last described course at the last described point, having a radius of 287 feet and being concave to the right, a distance of 27 feet more or less to a point; thence proceeding in a southwesterly direction on the tangent to the last described curve at the last described point, a distance of 40 feet more or less to a point; thence on the arc of a curve, concave to the left, having a radius of 287 feet, said curve being tangent to the last described course at the last described point a distance of 67 feet more or less to a point; thence on a line which is parallel to the westerly line of Kirkham Street and is 2 feet easterly therefrom, and is also tangent to the last described curve at the last described point a distance of 188 feet more or less to a point which is the intersection of the last described line with the northerly line of 22nd Street;

and as shown by the map (Western Div'n; Dwg. O-744, 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 so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said 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 Kirkham Street is not now actually constructed and open to travel at the point 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 track.

(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 4th day
of May, 1926.

H. B. Brundage
C. C. Weaver
Frederick A. Smith

Commissioners.