

Decision No. 18225

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to construct interchange tracks across 22nd and 24th Streets, in the City of Oakland, County of Alameda, State of California.

**ORIGINAL**

Application No. 13,638.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above-entitled application with this Commission on the 28th day of March, 1927, asking for authority to construct two interchange tracks at grade across 22nd and 24th Streets in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 38938 N.S.) 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 22nd and 24th 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 The Atchison, Topeka and Santa Fe Railway Company to construct two interchange tracks at grade across 22nd and 24th Streets in the City of Oakland, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Division Engineer's Drawing No. T-6-113) attached to the application.

#### DESCRIPTION OF CROSSINGS

##### TRACK No. 1.

Beginning at a point in the northern line of 24th Street, Oakland, Alameda County, California, lying 156.50 feet westerly from the western line of Wood Street; thence parallel with said line of Wood Street a distance of 60.00 feet to the southern line of said 24th Street; thence continuing southerly across private property to a point on the southern line of 22nd Street, lying 156.50 feet westerly from the said western line of Wood Street; thence on a curve to the right having a radius of 603.81 feet, a distance of 60.06 feet to a point in the southern line of 22nd Street, lying 159.48 feet from the said western line of Wood Street.

##### TRACK No. 2.

Beginning at a point in the northern line of 24th Street, Oakland, Alameda County, California, lying 169.50 feet westerly from the western line of Wood Street; thence parallel with said line of Wood Street, a distance of 60.00 feet to the southern line of said 24th Street; thence continuing southerly across private property to a point on the southern line of 22nd Street, lying 169.50 feet westerly from the said western line of Wood Street; thence continuing southerly across said 22nd Street, parallel with said western line of Wood Street, a distance of 60.00 feet to the southern line of 22nd Street.

Said crossings to be constructed subject to the following conditions, namely:

- (1) The entire expense of constructing the crossings shall be borne by applicant.
- (2) Said crossings shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible

in the event that the construction of roadway along said 22nd and 24th Streets shall be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that 22nd and 24th 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 an opening of said street to public use across said railroad tracks.

(4) Applicant 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) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance 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 13<sup>th</sup> day of April, 1927.

*Frank J. ...*  
*C. ...*  
*Leon ...*

Commissioners.