

Decision No. 18226

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to construct a spur track in and across Wood Street and 26th Street, in West Oakland, Alameda County, California.</p>)
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ORIGINAL

Application No. 13639.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company filed the above-entitled application with this Commission on the 28th day of March, 1927, asking for authority to construct a spur track at grade across Wood Street and 26th Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 38907 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 Wood Street and 26th 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 The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Wood Street and 26th Street 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-4-375) attached to the application.

Description of Crossings

Beginning at a point in the center line of an existing track in Wood Street, Oakland, Alameda County, California, 23 feet westerly from the eastern line of said Wood Street, 230.23 feet from the center line of 26th Street; thence southerly on the arc of a curve concave to the east, having a radius of 235.65 feet, a distance of 99.27 feet to a point on the eastern line of Wood Street, distant 133.60 feet from said center line of 26th Street; thence across private property on said curve 142.93 feet to a point on the northern line of 26th Street, a distance of 96.68 feet from the eastern line of Wood Street; thence continuing along said curve 41.49 feet; thence on the arc of a curve concave to the northeast and having a radius of 226.56 feet, a distance of 61.17 feet to a point in the center line of an existing track, said point lying on the center line of said 26th Street and distant 196.19 feet from the eastern line of said Wood Street produced northerly across 26th Street.

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

(1) The entire expense of constructing the crossing of Wood Street, 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 Wood Street now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding two (2) 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) Said crossing of 26th Street shall be so constructed that grades of approach not exceeding two (2) per cent will be feasi-

ble in the event that the construction of roadway along said 26th 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.

(4) This order is made upon the express condition that 26th 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.

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

(6) 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.

(7) 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 13th day of April, 1927.

Edward J. ...

Clarence ...

Leon Whitell