

Decision No. 18987 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the CITY OF OAKLAND, a municipal
corporation, to construct a railroad
crossing across the tracks of the
Southern Pacific Company on Birch
Street.

ORIGINAL

Application No. 14033.

BY THE COMMISSION:

O R D E R

The City Council of the City of Oakland, County of Alameda, State of California, filed the above entitled application with this Commission on the 30th day of August, 1927, asking for authority to construct a public street known as Birch Street at grade across the track of Southern Pacific Company, in the said City of Oakland as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said track at the point mentioned in this application, 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 City Council of the City of Oakland, County of Alameda, State of California, to construct Birch Street at grade across the track of Southern Pacific Company at the location hereinafter particularly described and as shown by the map

(Exhibit 1) attached to the application.

Description of Crossing

Beginning at the Southeast corner of Lot Numbered 1 in Block Lettered "Q", on the Westerly line of Birch Street (formerly Orange Street), as said lot, block and street are shown on that certain map and tract entitled, "Iveywood, Oakland, Alameda County, California, etc.," filed March 10, 1910 in Liber 25 of Maps, at page 39, Official Records of Alameda County, California, and running thence along the Southerly boundary line of the above mentioned tract, which is identical with the Northerly boundary line of that certain Grant by Maria A. Gawne, et al, to Southern Pacific Company, a corporation, hereinafter mentioned, North $73^{\circ} 18' 30''$ East 50.01 feet; thence South $17^{\circ} 52' 30''$ East 33.01 feet to the Southerly boundary line of the above mentioned Grant from Maria A. Gawne, et al, to Southern Pacific Company; thence along said Southerly boundary line South $73^{\circ} 18' 30''$ West 50.01 feet; thence North $17^{\circ} 52' 30''$ West 33.01 feet to the place of beginning.

Containing 0.037 acres, and being that portion of that certain Grant from Maria A. Gawne, a widow, Susie Maria Morton, formerly Susie Maria Gawne, and J. W. Morton, her husband, to Southern Pacific Company, a corporation, by Grant dated July 27, 1923, and recorded in Liber 513, at page 62, Official Records of Alameda County, California, referred to in that certain Reservation Clause in the above mentioned Grant.

The above crossing shall be identified as Crossing No. DH - 14.6.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not

less than twenty-four (24) feet and at an angle of eighty-eight (88) degrees and forty-nine (49) minutes to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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) 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 3d day of November, 1927.

Edmund
Clancy
Leon
Robert
M. J. C.
Commissioners.