

Decision No. 19197.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY and THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY for an order authorizing the construction at grade of proposed drill track across 22nd Street between Campbell and Peralta Streets in the City of Oakland, County of Alameda, State of California.

Application No. 14268.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, and The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above-entitled application with this Commission on the 14th day of December, 1927, asking for authority to construct a drill track at grade across 22nd Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 40671 N.S.) 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 point mentioned in this application with said 22nd Street and that this application should be granted subject to the con-

ditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company, a corporation, and The Atchison, Topeka and Santa Fe Railway Company, a corporation, to construct a drill track at grade across 22nd Street in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Western Division Drawing No. O-821, Sheet No. 2) attached to the application.

DESCRIPTION OF CROSSING.

BEGINNING at a point on the northeasterly line of Twenty-second Street, distant thereon 180.0 feet more or less northwesterly from its intersection with the northwesterly line of Peralta Street, in the City of Oakland, County of Alameda, State of California, said point being on the center line of the proposed joint Southern Pacific and Atchison, Topeka and Santa Fe drill, and the point of beginning of the track to be described; thence in a southwesterly direction a distance of 60 feet more or less to a point on the southwesterly line of 22nd Street, and distant thereon northwesterly 180.0 feet more or less from its intersection with the northwesterly line of Peralta Street.

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 applicants.
- (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 super-elevation and of a width to conform to that portion of said street now graded,

with the tops of rails flush with the roadway, and with grades of approach not exceeding three (3) 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) Applicants 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 30th day of December, 1927.

Emmanuel
C. Seaver
Leon White
Thos. S. Routh
M. J. Case
 Commissioners.