

ORIGINAL

Decision No. 19665

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 between 22nd and 24th Streets, in the City of Oakland, County of Alameda, State of California.

Application No. 14594.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 12th day of April, 1928, 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. 41575 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 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 Kirkham Street, in the City of Oakland, County of Alameda, State of California, at the location hereinafter parti-

cularly described and as shown by the map (Western Division Drawing 0-978) attached to the application.

Description of Crossing

BEGINNING at a point on the center line of Kirkham Street, said point being 370 feet more or less, northerly from the intersection of said center line of Kirkham Street with the northerly line of 22nd Street; thence southwesterly thru a standard No. 7 turnout a distance of 54 feet more or less to a point; thence southwesterly on a line forming an angle 8 degrees 10 minutes with the center line of Kirkham St., a distance of 10 feet more or less to a point; thence along the arc of a curve concave to the right, having a radius of 287 feet, an arc distance of 27 feet, said curve being tangent to last described course at last described point; thence southwesterly a distance of 40 feet more or less to actual point of beginning, said course being tangent to last described curve at last described point; thence continuing southwesterly a distance of 20 feet more or less to a point; thence on the arc of a curve concave to the right, having a radius of 191 feet more or less, an arc distance of 25 feet more or less to a point being 200 feet more or less measured northerly along said northwesterly line of Kirkham Street from the northerly line of 22nd 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 applicant.

(2) Said crossing shall be so constructed that grades of approach of not exceeding three (3) 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) This order is made upon the express condition that 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.

(4) Applicant shall remove the track shown in yellow on the map (Western Division Drawing No. 0-978) attached to the application, insofar as it lies in Kirkham Street.

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

(6) 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.

(7) 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 24th day of April, 1928.

Leon Whitely

Paul S. Lott

W. J. Chen

Commissioners.