

Decision No. 19788.**ORIGINAL**

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, operate and maintain a spur track across Wood Street, between 32d and 34th Street, in the City of Oakland, County of Alameda, State of California.

Application No. 14692.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 14th day of May, 1928, asking for authority to construct a spur track at grade across a portion of Wood Street in the City of Oakland, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 41779 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 points mentioned in this application with said Wood 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 The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across a portion of Wood Street in the City of Oakland, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Division Engineer's Drawing No. T-4-452) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of an existing track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Oakland, Alameda County, California, said point lying 211.0 feet southerly from the southern line of Thirty-fourth Street and 22.0 feet westerly from the eastern line of Wood Street; thence southeasterly over and along said Wood Street on a curve to the left, having a radius of 398.94 feet a distance of 52.3 feet; thence southeasterly over and along said Wood Street on a curve to the left having a radius of 287.94 feet, a distance of 57.1 feet; thence southeasterly over and along said Wood Street on a curve to the right, having a radius of 287.94 feet a distance of 8.6 feet to a point on said eastern line of Wood Street, said point lying 326.9 feet from said southern line of Thirty-fourth Street measured on and along said eastern line of Wood Street; thence continuing southeasterly on last described curve across private property 92.8 feet; thence southeasterly parallel with and 15 feet easterly from said eastern line of Wood Street 176.4 feet to end.

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

(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 constructed equal or superior to type shown as Standard No. 3, 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 pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage there-over 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 27 day of May, 1928.

C. Severy

W. A. ...

 Commissioners.