

Decision No. 23412.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
KEY SYSTEM, LTD., for permission to
construct a track at grade across
34th Street, 22nd Street and 14th
Street, in the City of Oakland, Ala-
meda County, California.

Application No. 17167.

ORIGINAL

BY THE COMMISSION:

O R D E R

Key System, Ltd., a corporation, on January 30th, 1931, applied for authority to construct a lead track at grade across Thirty-fourth Street, Twenty-second Street and Fourteenth Street, in the City of Oakland, County of Alameda, State of California. The necessary franchise or permit has been granted by the Board of Port Commissioners of said City for the construction of said crossings at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that Key System, Ltd., is hereby authorized to construct a lead track at grade across Thirty-fourth Street, Twenty-second Street and Fourteenth Street, in the City of Oakland, County of Alameda, State of California, at the locations more particularly described in the application and as shown by the maps (Exhibits "A" and "B"), attached thereto, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing of Fourteenth Street in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (2) Said crossing of Fourteenth Street shall be constructed equal or superior to the type shown as Standard No. 3, in our General Order No. 72, and shall be constructed 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 three (3) per cent, and shall be protected by 2 Standard No. 1 crossing signs, as specified in our General Order No. 75.
- (3) Two Standard No. 3 wigwags, as specified in General Order No. 75 of this Commission, shall be installed and maintained at the sole expense of applicant for the protection of said crossing of Fourteenth Street.
- (4) No train, motor, engine or car shall enter upon said crossing of Fourteenth Street at a speed greater than ten (10) miles per hour. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (5) This order is made upon the express condition that Thirty-fourth and Twenty-second Streets are not now actually constructed and open to travel at the respective points of crossing and this order shall not be deemed an authorization for the construction of an opening of said streets to public use across said track. Said track shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of an opening of Thirty-fourth and Twenty-second Streets across said track shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (8) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 16th day of February, 1931.

Chas. Deary

Leon A. Wiley

W. J. Carr

M. B. Harris

Fred G. Stewart

Commissioners.