

Decision No. 28901.

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 crossing at grade across the tracks of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, at the intersection of 22nd Street and Kirkham Street in the City of Oakland, County of Alameda, State of California.

Application No. 20293.

ORIGINAL

BY THE COMMISSION:

O R D E R

The City Council of the City of Oakland, County of Alameda, State of California, on December 10, 1935, applied for authority to construct a public street, known as 22nd Street, at grade across the jointly owned tracks of Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company at the intersection of Kirkham and 22nd Streets, Oakland. Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company have signified, in writing, that they have no objection to the construction of said crossing at grade and it appears that said companies are agreeable to assuming the cost of constructing and maintaining the crossing within the limits of their trackage.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned and that the application should be granted,

IT IS HEREBY ORDERED that the City Council of the City of Oakland, in the County of Alameda, State of California, is

hereby authorized to construct 22nd Street at grade across the tracks of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. A-6.83-C.
- (2) The cost of constructing and maintaining those portions of said crossing outside of lines two (2) feet outside of the rails of each track shall be borne by applicant. The cost of constructing and maintaining those portions of the crossing between lines two (2) feet outside of the rails of each track shall be borne by Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company as their respective interests may appear.
- (3) The crossing shall be constructed of a width of not less than thirty-two (32) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75-A; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) No train, motor, engine or car shall enter upon said crossing at a speed greater than five (5) miles per hour and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) 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.
- (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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 15th day of June, 1936.

M. B. Davis
Leon Whipple
M. A. C.
Walter H. H.
Frank R. H.

Commissioners.