

Decision No. 12544

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application  
of The Western Pacific Railroad  
Company for permission to construct  
a spur track at grade across "C"  
Street and Soto Street in the Town  
of Hayward.

ORIGINAL

) Application No. 9299  
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)

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, having on August 7, 1923, filed with the Commission an application for permission to construct a spur track at grade across "C" Street and Soto Street in the City of Hayward, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Ordinance No. 205.N.S.) has been granted by the Board of Trustees of said City of Hayward for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said "C" Street and Soto Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is

hereby granted The Western Pacific Railroad Company to construct a spur track at grade across "C" Street and Soto Street in the City of Hayward, County of Alameda, State of California, described as follows:

Beginning at a point of switch in the center line of the Western Pacific Railroad Company's main line of railroad from San Francisco, California, to Salt Lake City, Utah, said point being approximately four hundred and twenty (420) feet southeasterly, measured along said railroad from the southeasterly line of "C" Street in the City of Hayward, California; thence in a northerly direction, with switch and turnout to the right, approximately one hundred and two (102) feet; thence on a curve to the right approximately three hundred and twenty-four (324) feet, crossing the southeasterly line of "C" Street approximately ten (10) feet southwesterly from the northeasterly line of Soto Street extended; thence in a northerly direction approximately ten (10) feet; thence on a curve to the left approximately one hundred and eighty-six (186) feet to a point approximately fifty-eight and one-half (58½) feet northeasterly from the northeasterly line of Soto Street, and crossing the northwesterly line of "C" Street approximately thirty-five (35) feet northeasterly from the northeasterly line of Soto Street; thence in a northwesterly direction fifty-eight and one-half (58½) feet from and parallel to the northeasterly line of Soto Street one hundred and eighty-nine (189) feet to the southeasterly line of "B" Street and approximately eight hundred and eleven (811) feet from the point of beginning.

All of the above as shown by the map attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; shall be protected by suitable crossing-signs, and shall in every way be made

safe for the passage thereover 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 crossings.

(4) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order 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 crossings 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.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of August, 1923.

C. Seavey

Dwight Masters

J. T. Whittney  
Commissioners.