

Decision No. 16435

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application
of SOUTHERN PACIFIC COMPANY
for an order authorizing the con-
struction at grade of a spur
track across Escobar Street, in
the Town of Martinez, County of
Contra Costa, State of California.)

Application No. 12,642.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 17th day of March, 1926, asking for authority to construct a spur track at grade across Escobar Street in the Town of Martinez, County of Contra Costa, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Trustees of said Town of Martinez 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 Escobar 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 Escobar Street in the Town of Martinez, County of Contra Costa, State of California, as follows:

Beginning at a point in the Southerly line of Escobar Street, said point being 57 feet more or less, measured westerly along said southerly line of Escobar Street from the intersection of said southerly line of Escobar Street and the westerly line of Fairview Road, as same existed prior to Jan. 1, 1926; thence proceeding in a northeasterly direction on the arc of a curve concave to the right having a radius of 459 feet a distance of 147 feet more or less; thence on the arc of a curve concave to the right whose radius is 5730 feet, a distance of 40 feet more or less to a point in the southerly line of the Southern Pacific Company's right of way, said point being distant 112 feet more or less, measured easterly along said southerly line of the Southern Pacific Company's right of way, from the intersection of the southerly line of the Southern Pacific Company's right of way and the westerly line of the Fairview Road produced, as said westerly line of Fairview Road existed prior to Jan. 1, 1926.

and as shown by the map (Western Div'n. Dwg.M-130 Sht.2) attached to the application; 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 constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said road now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign 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 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 existing spur track across Escobar Street approximately 325 feet westerly of the crossing herein granted shall be removed and roadway restored to conform to existing roadway adjacent thereto. Said spur track crossing to be abandoned is described as follows:

Beginning at a point in the southerly line of Escobar Street, said point being 494 feet, more or less, measured westerly along said southerly line of Escobar Street, from its intersection with the westerly line of Fairview Road, as said westerly line of Fairview Road existed prior to January 1, 1926; thence proceeding in a northeasterly direction, a distance of 292 feet, more or less, to a point in the southerly line of the Southern Pacific Company's right of way, said point being 219 feet more or less, measured westerly along said southerly line of the Southern Pacific Company's right of way from its intersection with the westerly line of the Fairview Road produced as said westerly line of Fairview Road existed prior to January 1, 1926.

(6) 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.

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

Dated at San Francisco, California, this 9th day of April, 1926.

H. B. Brundage
C. J. [unclear]
Ernest [unclear]

Commissioners.