Decision No. 16648



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of The Western Pacific Railroad Company for permission to construct a spur track at grade across "C" Street, a public street in the Town of Hayward, County of Alameda, State of California.

Application No. 12770.

BY THE COLMISSION:

## <u>ORDER</u>

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 19th day of April, 1926, asking for authority to construct a spur track at grade across "C" Street, in the Town of Hayward, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 230 N.S.) has been granted by the Board of Trustees of said Town of Hayward 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 "C" 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 The Western Pacific Railroad Company to construct a spur track at grade across "C" Street in the Town of Hayward, County of Alameda, State of California, as follows:

Beginning at a point in the center line of the main track of The Western Pacific Railroad Company, distant thereon southeasterly approximately 180 feet from the southeasterly line of "C" Street; thence northwesterly with turnout to the right 95 feet; thence continuing on a curve to the right, having a radius of 409.51 feet, a distance of 116.55 feet, crossing the said southeasterly line of "C" Street approximately 112 feet southwesterly of the southwesterly line of Soto Street produced southeasterly, thence northwesterly on a tangent 188.45 feet, crossing the northwesterly line of said "C" Street approximately 115 feet southwesterly of the southwesterly line of said Street;

and as shown by the map (Exhibit "A") 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. 1, in General Order No. 72 of this Commission 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 roadway and with grades of approach not exceeding two (2) per cent.
- (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) This order is made upon the express condition that said "C" Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public

use across said railroad track.

(6) 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 4 day of May, 1926.

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