

ORIGINAL

Decision No. 16761

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
THE ATCHISON, TOPEKA & SANTA FE RAILWAY
COMPANY for an order authorizing the
construction at grade of a track across
certain streets and lanes in the City
of Richmond, County of Contra Costa,
State of California.

Application No. 12,590.

Platt Kent, for The Atchison, Topeka and
Santa Fe Railway Company.

Thomas Carlson, for the City of Richmond.

Gwyn H. Baker, for Richmond Navigation and
Improvement Company.

SEAVEY, COMMISSIONER:

O P I N I O N

In the above entitled application authority is sought by The Atchison, Topeka and Santa Fe Railway Company to construct a railroad track at grade across Ohio Avenue, Cutting Boulevard and a number of unimportant and in general unimproved streets in the City of Richmond, County of Contra Costa.

A public hearing was held on May 4th, 1926, at San Francisco, at which time the matter was submitted.

The track proposed in this application is designed to serve a sugar loading dock on the Richmond Inner Harbor near Ellis Landing south of Cutting Boulevard at Eighth Street. The spur alignment leaves the Oakland Branch of the Santa Fe about five hundred and eighty-six (586) feet easterly of the easterly

line of Garrard Boulevard, curves to the southeast and crosses Ohio, Florida and Maine Avenues, and then enters and runs longitudinally along Atchison Avenue to Potrero Avenue, crossing First Street, Virginia Avenue, Second, Third and Fourth Streets, Cutting Boulevard, Fifth and Sixth Streets. At Potrero Avenue the spur enters private right-of-way and after crossing Seventh Street curves to the south, crossing Eighth Street and Hermann Avenue, entering Eighth Street and running south thereon to the sugar loading dock, crossing Wright Avenue, Commercial Avenue and Dock Street. All of the streets crossed on this route are paper streets with the exception of Ohio, Second, Third and Fourth Streets and Cutting Boulevard.

Cutting Boulevard is an important high speed highway artery and carries practically all of the travel using the Richmond-San Rafael Ferry and most of the local travel between Point Richmond and Pullman, El Cerrito, Albany, Berkeley and Oakland. Ohio Street is a fairly important thoroughfare and is traversed by a street car line of Key System Transit Company. The other improved streets are unimportant.

The Engineering Department of the Commission, through Transportation Engineer A. G. Mott, made a statement at the hearing recommending the granting of the application subject to two conditions; first, that the crossing at grade across Cutting Boulevard be protected by two automatic flagmen; second, that the crossing at grade of Cutting Boulevard be granted only upon condition that the grades be separated within a period of ten years from the date of the order, providing, however, that The Atchison, Topeka and Santa Fe Railway and the City of Richmond have under such order the privilege of an extension of time for such separation, providing they prove such an extension of time

justified. The latter provision, of course, not to relieve the Commission upon its own motion from ordering such separation at any time if, after investigation, it is convinced that traffic conditions on either the highway or the railway or both have changed to such an extent as to require such separation.

Applicant and the City of Richmond each stipulated that an order containing such conditions would be satisfactory to them and further stipulated that they were willing that the cost of such separation be assessed equally between them if and when required. However, it appears that this is not a proper time for this Commission to pass upon a division of cost of this separation of grade and that, as far as this Commission's approval is concerned, such an apportionment should be made and depend upon conditions in existence at the time such separation is required. This decision, therefore, should not be construed as indicating either this Commission's approval or disapproval of the interested parties' stipulation as to division of cost. The following form of order is recommended:

O R D E R

The Atchison, Topeka & Santa Fe Railway Company, having made application for permission to construct a railroad track at grade across certain streets in the City of Richmond, County of Contra Costa, State of California, as set forth in the foregoing opinion, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the establishment of a railroad track at grade along the route above indicated, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct a railroad track at grade across the following Streets in the City of Richmond, County of Contra Costa, State of California:

Ohio Avenue	Third Street	Seventh Street
Florida Avenue	Fourth Street	Eighth Street
Maine Avenue	Cutting Blvd.	Hermann Avenue
First Street	Fifth Street	Wright Avenue
Virginia Street	Sixth Street	Commercial Avenue
Second Street	Portion Atchison Ave.	Dock Street.

The center line of said railroad track is described as follows:

"Beginning at a point in the center line of an existing track of the A.T. & S.F. RY. CO., in the City of Richmond, County of Contra Costa, State of California, said point being 586.02 feet easterly, as measured along said center line of said existing track, from the easterly line of Garrard Boulevard; thence easterly on the arc of a curve concave to the south and having a radius of 942.29 feet, a distance of 86.17 feet; thence southeasterly on the arc of a curve concave to the southwest and having a radius of 478.34 feet, a distance of 318.75 feet; thence southeasterly on a line which is tangent to last hereinbefore described curve, a distance of 9.98 feet to a point in the northerly line of Ohio Avenue, said point being 1108.84 feet easterly as measured along the northerly line of Ohio Avenue, from the easterly line of Garrard Boulevard; thence continuing southeasterly and crossing Ohio Avenue and private property a distance of 720.6 feet to a point in the northerly line of Florida Avenue, said point being 1062.3 feet westerly as measured along the northerly line of Florida Avenue, from the westerly line of First Street; thence continuing southeasterly and crossing Florida Avenue and private property a distance of 735.2 feet to a point in the northerly line of Maine Avenue, said point being 533.0 feet westerly as measured along the northerly line of Maine Avenue, from the westerly line of First Street; thence continuing southeasterly and crossing Maine Avenue and private property, a distance of 120.0 feet to a point; thence continuing southeasterly on the arc of a curve concave to the northeast and having a radius of 1910.08 feet, a distance of 353.3 feet to a point; thence continuing southeasterly on a line which is tangent to the last hereinbefore described curve, a distance of 135.0 feet to a point in the northwesterly

termination of Atchison Avenue, said point being 21.0 feet southwesterly from the northeasterly line of Atchison Avenue as measured at right angles thereto; thence continuing southeasterly over and along Atchison Avenue, on a line parallel to and distant 21.0 ft. southwesterly from the northeasterly line of said Atchison Avenue, and crossing First, Second, Third, Fourth, Fifth Streets, Virginia Avenue and Cutting Boulevard, a distance of 1724.10 feet to a point; thence continuing southeasterly over and along Atchison Avenue and crossing Sixth Street, on the arc of a curve concave to the Southwest and having a radius of 955.37 feet, a distance of 135.3 feet to a point; thence continuing southeasterly over and along Atchison Avenue, on a line which is tangent to the last hereinbefore described curve, a distance of 158.6 feet to a point in the southeasterly termination of Atchison Avenue, said point being 10.06 feet southerly from the northwesterly corner of block numbered (1) of Richmond Harbor Addition to the City of Richmond, as measured along the westerly line of said Block Number One, said corner being the termination of the southerly line of Potrero Avenue into Atchison Avenue; thence continuing southeasterly over and across private right-of-way a distance of 131.6 feet to a point in the west line of Seventh Street, said point being 96.44 feet southerly as measured along the westerly line of Seventh Street from the southerly line of Potrero Avenue; thence continuing southeasterly crossing Seventh Street and private right of way, a distance of 260.7 feet to a point; thence continuing southeasterly on the arc of a curve concave to the southwest and having a radius of 459.28 feet, a distance of 144.9 feet to a point in the westerly line of Eighth Street, said point being 69.09 feet northerly as measured along the westerly line of Eighth Street, from the northerly line of Hermann Avenue; thence continuing southeasterly along the arc of the last hereinbefore described curve and over and along Eighth Street and private right-of-way and crossing Hermann Avenue, a distance of 241.3 feet to a point, said point being 23.5 feet easterly from the westerly line of Eighth Street, and 101.77 feet southerly from the southerly line of Hermann Avenue produced across Eighth Street; thence southerly on private right-of-way, along a line parallel to and distant 23.5 feet easterly from the westerly line of Eighth Street, crossing Wright and Commercial Avenues, a distance of 1589.5 feet to the northerly line of Dock Street."

and as shown by the map (Applicant's Exhibit 1) filed at the hearing. Said crossings are to be constructed subject to the following conditions, namely:

- (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 of Ohio Avenue, Second, Third, Fourth Streets and Cutting Boulevard 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 of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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) Said crossings shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said Florida and Maine Avenues, First, Virginia, Fifth and Sixth Streets, portion of Atchison Avenue, Seventh and Eighth Streets, Hermann, Wright and Commercial Avenues, and Dock Street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(4) Two (2) automatic flagmen shall be installed and maintained for the protection of the crossing at Cutting Boulevard. Said automatic flagmen shall be of a type and installed in accordance with plans or data approved by the Commission.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(6) This order is made upon the express condition that said Florida and Maine Avenues, First, Virginia, Fifth and Sixth

Streets, portion of Atchison Avenue, Seventh and Eighth Streets, Hermann, Wright and Commercial Avenues, and Dock Street are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad track.

(7) If said crossings 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.

(8) The authority herein granted to applicant to construct this railroad track across Cutting Boulevard is given under the express condition that the grades at this crossing be separated within ten years of the date of this order. The time limit specified for constructing said grade separation may be extended beyond said ten year period upon presentation to this Commission by applicant at a public hearing of evidence that conditions at this location have not changed or will not change sufficiently to warrant the expense of constructing such separation. Nothing in this order shall prohibit this Commission on its own motion from conducting an investigation at any time as to the necessity of ordering said grade separation constructed, nor shall anything in this opinion and order be construed as a determining at this time of an apportionment of costs of such grade separation between the interested parties by this Commission.

(9) Nothing in this order shall be construed as an authorization for the construction of said track across the track or tracks of Key System Transit Company in Ohio Street.

(10) 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.

For all other purposes the authority herein granted shall become effective twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25th day of May, 1926.

H. B. Brundage

C. C. Leavelle

Grounds

Leon

Commissioners.