

Decision No. 16917

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of the Western Pacific Railroad
Company for permission to con-
struct a spur track at grade
across portions of Ward Street
and Martinez Street, public
streets in the City of San Leandro,
County of Alameda, State of
California.

ORIGINAL

Application No. 12924.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 8th day of June, 1926, asking for authority to construct a spur track at grade across portions of Ward and Martinez Streets, in the City of San Leandro, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 113, New Series) has been granted by the Board of Trustees of said City of San Leandro for the construction of said crossings 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Ward and Martinez Streets 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 portions of Ward and Martinez

Streets, in the City of San Leandro, County of Alameda, State of California, as follows:

Beginning at a point in the center line of the main line of the applicant, in Martinez Street, San Leandro, California, said point being approximately 260 feet southeasterly from the southeasterly line of Ward Street, and approximately 40 feet southwesterly from the northeasterly line of said Martinez Street; thence in a general northwesterly direction with turnout to the left, approximately 90 feet; thence in a northwesterly direction approximately 210 feet to a point of connection with the passing track of the applicant, in said Martinez Street, said point being approximately 40 feet northwesterly from the southeasterly line of said Ward Street, and approximately 30 feet northeasterly from the southwesterly line of said Martinez Street;

and as shown by the map (Exhibit "A") attached to the application; said crossings 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 shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadways 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) Spur tracks shown in red on said Exhibit "A" shall be removed from said Ward and Martinez Streets and those portions of said streets restored to condition equal to those of adjacent sections of said streets and placed in good condition for the safe and convenient use of the public.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installa-

tion of said crossings.

(5) 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.

(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 14th day of June, 1926.

H. B. ...
A. ...
Leon ...

Commissioners.