

Decision No. 17293.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the TOWN OF HAYWARD, for an order directing Western Pacific Railway Company to remove a fence maintained by said Western Pacific Railway Company across "C" Street, a public street and highway in the Town of Hayward, and to construct a crossing across the tracks of said Western Pacific Railway Company so as to permit the use of said street by the general public.

ORIGINAL

Application No. 12985.

BY THE COMMISSION:

O R D E R

The Town of Hayward, County of Alameda, State of California, filed the above entitled application with this Commission on the 29th day of June 1926, asking for authority to construct a public street, known as "C" Street, at grade across the tracks of The Western Pacific Railroad Company in said city, as hereinafter set forth. The Western Pacific Railroad Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said tracks at the point mentioned in this Application, 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 Board of Trustees of the Town of Hayward, County of Alameda, State of California, to construct "C" Street at grade across the Tracks of The Western Pacific Railroad Company as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Western Pacific Railroad Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Western Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and not more than eighty (80) feet and at an angle of approximately sixty-seven (67) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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 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 27<sup>th</sup> day of August, 1926.

H. B. Pringle

C. A. ...

\_\_\_\_\_

Thos. J. ...

Commissioners.