

Decision No. 17347.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
THE ATCHISON, TOPEKA AND SANTA FE RAIL-
WAY COMPANY for an order authoriting the
construction, maintenance and operation
of a crossing at grade of the tracks of
the Key System Transit Company at Ohio
Street, in the City of Richmond, County
of Contra Costa, State of California.

Application No. 12873.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 24th day of May, 1926, asking for authority to construct a railroad track at grade across a track of the Key System Transit Company, a corporation, in Ohio Street, in the City of Richmond, County of Contra Costa, State of California, as hereinafter set forth. The Key System Transit Company has signified by letter from its General Manager that it does not object to the construction of said crossing at grade. Copy of agreement entered into by the two interested parties on July 16, 1926, has been submitted to the Commission for approval in Application No. 13162. 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 track of Key System Transit Company 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 Atchison, Topeka and Santa Fe Railway Company to construct a railroad track at grade across a track of the Key System Transit Company in Ohio Street at the intersection of Commercial Street extended, in the City of Richmond, County of Contra Costa, State of California, and as shown by the map (Div'n. Eng. Dwg. No. T-4-356, dated May 10, 1926), 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) All trains, motors, engines and cars of applicant shall stop before crossing the track of Key System Transit Company and shall not proceed thereover until it has been ascertained that it is safe so to do.

(3) All trains, motors, engines or cars of Key System Transit Company shall stop before crossing the track of applicant and shall not proceed thereover until it has been ascertained that it is safe so to do.

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

(5) 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.

(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 20th day of September, 1926.

H. B. Rundige
O. S. Seaver
Frederick J. [unclear]
Leon A. Whittall
Thos. J. [unclear]

Commissioners.