

Decision No. 18018.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of The Atchison, Topeka and Santa
 Fe Railway Company, a corporation,
 for authority to construct a spur
 track across Ninth Street in the
 City of Richmond, County of Contra
 Costa, State of California.

Application No. 13528.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above-entitled application with this Commission on the 11th day of February, 1927, asking for authority to construct a spur track at grade across Ninth Street in the City of Richmond, County of Contra Costa, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1882) has been granted by the City Council of said City of Richmond 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 Ninth 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 Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Ninth Street in the City of Richmond, County of Contra Costa, State of California,

at the location hereinafter particularly described and as shown by the map (Div'n. Eng. Dwg. No. T-4-373) attached to the application.

Description of Crossing

Beginning at a point in the center line of an existing track at Richmond, Contra Costa County, California; said point lying westerly along said center line 116.5 feet from the western line of 9th Street; thence northeasterly on a curve to the left having a radius of 942.29 feet a distance of 86.17 feet; thence continuing northeasterly on a curve having a radius of 459.28 feet a distance of 30.60 feet to a point in the western line of 9th Street, lying 364.32 feet southerly from the southern line of Chanslor Avenue; thence continuing along last described curve a distance of 19.60 feet; thence northeasterly on a curve to the right having a radius of 459.28 feet a distance of 32.33 feet to a point in the eastern line of 9th Street lying 353.85 feet southerly from the southern line of Chanslor Avenue.

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 so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that the construction of roadway along said Ninth Street shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover 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) This order is made upon the express condition that Ninth 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 23rd day of February, 1927.

Emmott
McBride
Al Seaver
Leon White
Paul R. ...

Commissioners.