

Decision No. 19241

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
The Western Pacific Railroad Company)
for permission to construct a spur)
track at grade over and across Grand)
Street, an open public street in the)
Town of Hayward, County of Alameda,)
State of California.)

Application No. 14268.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 22nd day of December, 1927, asking for authority to construct a spur track at grade across Grand Street in the Town of Hayward, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 243 N.S.) has been granted by the Board of Trustees of said Town 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 Grand 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 Western Pacific Railroad Company to construct a spur track at grade across Grand Street in the Town of Hayward, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of existing spur track in Block 113 in the Town of Hayward, County of Alameda, State of California; said beginning point being distant northwesterly approximately 62-1/2 feet, measured along the northeasterly line of Grand Street from the northwesterly line of "C" Street; thence southwesterly, approximately 62-1/2 feet northwesterly from and parallel with said northwesterly line of "C" Street extended southwesterly, a distance of 60 feet to a point on the southwesterly line of said Grand Street; crossing the southwesterly line of said Grand Street approximately 62-1/2 feet northwesterly from the said northwesterly line of "C" Street.

The above crossing shall be identified as Crossing No. 4-20.35-C.

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 constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.
- (3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(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 10th day of

January, 1928.

Leon Whitehall
Chairman
Ernest L. ...
Iron & ...
M. J. ...
Commissioners.