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Decision No. 19554

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of The Atchison, Topeka and Santa Fe Railway Company for an order author- izing the construction, maintenance and operation of certain tracks upon, along and across certain streets in the City of Richmond, County of Con- tra Costa, State of California.</p>

Application No. 14493.

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 12th day of March, 1928, asking for authority to construct a spur track at grade across Atchison Avenue, Second, Third and Fourth Streets and Cutting Boulevard, in the City of Richmond, County of Contra Costa, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 620) has been granted by the City Council of said City 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 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 Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Atchison Avenue, Second, Third and Fourth Streets and Cutting Boulevard, in the

City of Richmond, County of Contra Costa, State of California, at the locations hereinafter particularly described and as shown by the map (Division Engineer's Drawing No. T-6-125) attached to the application.

Description of Crossings

BEGINNING at a point in the center line of an existing track in Atchison Avenue in the City of Richmond, Contra Costa County, California, 39.0 feet northeasterly from the southwestern line of said Atchison Avenue and 153.0 feet southeasterly from the intersection of the center line of said existing track with the southern line of Cutting Boulevard; thence northwesterly over and along said Atchison Avenue on a curve to the left, having a radius of 603.8 feet, a distance of 203.3 feet to a point on the southwestern line of said Atchison Avenue, 12.3 feet southeasterly from the intersection of the southern line of Cutting Boulevard with said southwestern line of Atchison Avenue; thence continuing northwesterly on the last described curve across private property a distance of 34.2 feet to a point on the southern line of Cutting Boulevard 23.7 feet easterly from the intersection of the eastern line of Fourth Street with said southern line of Cutting Boulevard; thence continuing northwesterly on last described curve over and along Cutting Boulevard and crossing Fourth Street a distance of 104.2 feet to a point 9.0 feet northerly from said southern line of Cutting Boulevard and 20.1 feet westerly from the western line of Fourth Street produced across said Cutting Boulevard; thence westerly along Cutting Boulevard and crossing Third Street and Second Street parallel with and 9.0 feet northerly from the southern line of said Cutting Boulevard a distance of 2836.1 plus or minus feet to the eastern line of Canal Street produced across said Cutting Boulevard; thence westerly over and along said Cutting Boulevard and crossing Canal Street on a curve to the left, having a radius of 603.8 feet a distance of 104.2 feet to a point on the southern line of said Cutting Boulevard 23.8 feet westerly from the western line of said Canal Street.

The above crossings shall be identified as follows:

<u>Street</u>	<u>Crossing No.</u>
Atchison Avenue	2 K-1.17-C
4th St. and Cutting Blvd.	2 K-1.2-C
3rd Street	2 K-1.35-C
2nd Street	2 K-1.5-C
Cutting Boulevard	2 K-1.95-C

Said crossings to be constructed subject to the following conditions, namely:

- (1) The entire expense of constructing the crossings, to-

gether 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 so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said before-mentioned streets shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that said streets are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad track.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation 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 2nd day of April, 1928.

Leon Whittell

C. Deane

Ernest C. ...

Thos. D. ...

M. J. ...

Commissioners.

