

Decision No. 19663.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
THE ATCHISON, TOPEKA & SANTA FE RAIL-  
WAY COMPANY, a corporation, for authori-  
ty to construct five spur tracks across  
a County Road, east of Pittsburg,  
Contra Costa County, California.

**ORIGINAL**

Application No. 14,467.

Platt Kent and J. R. Hitchcock, for Applicant.

BY THE COMMISSION:

O P I N I O N

The Atchison, Topeka & Santa Fe Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the construction of five spur tracks at grade across a County Road east of Pittsburg, Contra Costa County, California.

A public hearing on this application was conducted by Examiner Handford at Pittsburg, the matter was duly submitted and is now ready for decision.

It appears from the record that at the most easterly location a double track spur is proposed to be constructed, therefore six track crossings are involved. These six spur tracks are to serve certain industries located in this vicinity which are now served by spur tracks of applicant located only a short distance from the respective locations of the proposed crossings. The proposed spur tracks are made necessary due to certain expansions of these industries and the new crossing locations are designed to give more efficient service from an operating standpoint. The existing spur tracks all cross diagonally over the County Road, while the proposed spur tracks will, with one exception, cross

that road at right-angles. Applicant proposes in the event that the authority for the proposed crossings is granted to remove the existing crossings at the time the new crossings are constructed.

The County Road is paved and is an important roadway serving the industrial district east of Pittsburg. It appears that the hazard incident to train movements over said proposed spur tracks will not justify or reasonably require the installation of any special safety devices, however, all movements over said county road should be under full control and vehicular traffic at the time train movements are in progress should be protected by a human flagman.

We are of the opinion from the record herein that authority for the construction of these spur tracks across said County Road should be granted and that upon their installation, the existing crossings should be removed.

#### O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and of the opinion that the application should be granted,

IT IS HEREBY ORDERED that permission and authority be and it hereby is granted to The Atchison, Topeka and Santa Fe Railway Company, a corporation, to construct six spur tracks at grade across a County Road east of Pittsburg, Contra Costa County, California, at the locations as shown by the map (Divn. Engr's. Dwg. No. V-20-95) attached to the application, and more particularly described as follows:

#### CROSSING NO. 1

That portion of a spur track, constructed to serve the Union Oil Company of California, located near Pittsburg, Contra Costa County, California, and described as follows:

Beginning at the point of intersection of the center line of said spur track with the northerly right of way line of the County Road, said point being 260.5 feet easterly, measured along said northerly right of way line, from the westerly property line of said Union Oil Company of California; thence southeasterly, along a 12 degree 30 minute curve concave southwesterly a distance of 88.33 feet; thence reversing on a 12 degree 30 minute curve concave northeasterly a distance of 53.22 feet to point of intersection with southerly right of way line of said County Road as shown hereon in red.

The above crossing shall be identified as Crossing No.

2-1155.2-C.

CROSSING NO. 2.

That portion of a spur track constructed to serve the Pioneer Rubber Mills, located near Pittsburg, Contra Costa County, California, and described as follows:

Beginning at the point of intersection of the center line of said spur track with the northerly right of way line of the County Road said point being 179.09 feet easterly, measured along said northerly right of way line, from the westerly property line of said Pioneer Rubber Mills; thence southerly along the arc of a 12 degree 30 minute curve, concave easterly a distance of 40.3 feet to point of intersection with the southerly right of way line of said County Road as shown hereon in red.

The above crossing shall be identified as Crossing No.

2-1154.96-C.

CROSSING NO. 3.

That portion of a spur track constructed to serve the Pioneer Rubber Mills, located near Pittsburg, Contra Costa County, California, and described as follows:

Beginning at the point of intersection of said spur track with the northerly right of way line of the County Road, said point being 8.5 feet westerly, measured along said northerly right of way line, from the property line common to Pioneer Rubber Mills and Great Western Electro Chemical Co.; thence southerly at right angles to said northerly right of way line, a distance of 40 feet to point of intersection with southerly right of way line of said County Road as shown hereon in red.

The above crossing shall be identified as Crossing No.

2-1154.91-C.

CROSSING NO. 4.

That portion of a spur track constructed to serve the Great Western Electro Chemical Company located near Pittsburg, Contra Costa County, California, and described as follows:

Beginning at the point of intersection of said spur track with the northerly right of way line of the County Road, said point being 267.3 feet easterly, measured along said northerly right of way line, from the property line common to Pioneer Rubber Mills, and Great Western Electro Chemical Company; thence southerly at right angles to said northerly right of way line, a distance of 40 feet to point of intersection with southerly right of way line of said County Road, as shown hereon in red.

The above crossing shall be identified as Crossing No.

2-1154.93-C.

CROSSING NO. 5.

That portion of two parallel tracks, the center lines of which are 13 feet apart, constructed to serve the Great Western Electro Chemical Company, located near Pittsburg, Contra Costa County, California, and described as follows:

Beginning at the point of intersection of a line equidistant from the center lines of said spur tracks, with the northerly right of way line of the County Road, said point being 542.3 feet easterly, measured along said northerly right of way line, from the property line common to Pioneer Rubber Mills and Great Western Electro Chemical Company; thence southerly at right angles to said northerly right of way line a distance of 40 feet to point of intersection with southerly right of way line of said County Road as shown hereon in red.

The above crossing shall be identified as Crossing No.

2-1154.95-C.

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

(1) The entire expense of constructing the crossings, together 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 constructed equal or superior to type shown as Standard No. 3 in General Order No. 72 of this Commission and shall be constructed without superelevation and of

a width to conform to those portions of said road now graded, and with tops of rail flush with the pavement and with grades of approach not exceeding one (1) per cent; shall be protected by crossing signs substantially in accordance with Standard No. 1 in General Order No. 75 of this Commission and shall, in every way, be made suitable for the safe passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossings 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-A of this Commission.

(5) Applicant shall, upon the completion of the crossings herein authorized, remove the tracks shown in yellow on Applicant's Exhibit No. 1, insofar as they lie in said County Road, and shall repair the road to conform to the remainder thereof.

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

(7) 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.

(8) 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 23<sup>rd</sup> day of April, 1928.

Leon Whitely

Chairman

David L. Lott

M. A. Lee

Commissioners.