

Decision No. 23849.

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, maintain
 and operate tracks across certain pub-
 lic streets in the City of Sacramento,
 County of Sacramento, State of Cali-
 fornia.

ORIGINAL

Application No. 17436.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, on June 9, 1931, applied for authority to construct its track at grade across certain streets in the City of Sacramento, County of Sacramento, State of California. The necessary franchise or permit (Resolution No. 157) has been granted by the City Council of said City for the construction of said crossings at grade. It appearing that a public hearing is not necessary herein, that it is neither reasonable nor practicable, at this time, to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that The Western Pacific Railroad is hereby authorized to construct its track at grade across "Y" Street, Second Avenue, Twenty-First Street and an alley

between "X" and "Y" Streets in the City of Sacramento, County of Sacramento, State of California, at the locations more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions:

- (1) The above crossing of "Y" Street shall be identified as a portion of Crossing No. 4-137.4, that of Second Avenue as a portion of Crossing No. 4-137.1 and that of Twenty-First Street as a portion of Crossing No. 4-136.9.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public shall be borne by applicant.
- (3) Said crossings of "Y" Street, Second Avenue and Twenty-First Street shall be constructed equal or superior to the type shown as Standard No. 3, in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to those portions of said streets and avenues now graded, with the tops of rails at same elevation as main line rails and flush with the pavement and with grades of approach not exceeding those specified on the blue print maps attached to the application and shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75.
- (4) Two Standard No. 3 wigwags, as specified in General Order No. 75 of this Commission, shall be installed and maintained at the sole expense of applicant, for the protection of said crossings of "Y" and Twenty-First Streets, Crossing No. 4-137.4 and Crossing No. 4-136.9. Said wigwags shall be so equipped as to provide distinct and adequate warning of the approach of a second train.
- (5) This order is made upon the express condition that the alley between "X" and "Y" Streets is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of an opening of said alley to public use across said tracks. Said tracks shall be so constructed that

grades of approach not exceeding six (6) per cent will be feasible in the event that the construction of an opening of said alley across said tracks shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29th day of June, 1931.

C. S. Sawyer
Leon Whittell
M. P. Cunniff
W. B. Harris
Fred G. Stewart
 Commissioners.