

Decision No. 24250.

BEFORE THE RAILROAD COMMISSION, OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation, for authority to construct, maintain and operate a proposed drill track over and across Eleventh Street, Twelfth Street, Commercial Avenue, Thirteenth Street and Shore Avenue, and Fourteenth Street in the City of Richmond, County of Contra Costa, State of California.

Application No. 17765.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on November 3rd, 1931, applied for authority to construct a drill track at grade across Eleventh Street, Twelfth Street, Commercial Avenue, Thirteenth Street and Shore Avenue, and Fourteenth Street, in the City of Richmond, County of Contra Costa, State of California. Applicant, through Santa Fe Land Improvement Company, conveyed to City of Richmond by deed, dated November 2nd, 1931, for street purposes that portion of said Fourteenth Street across which it is desired to construct said track; reserving, however, to the grantor a right of way or covenant in and over said strip of land so conveyed for the construction, maintenance and operation of standard gauge railroad tracks and appurtenances thereto. Applicant on November 10th, 1931, advised, in writing, that although said Eleventh Street, Twelfth Street, Commercial Avenue, Thirteenth Street and Shore Avenue are platted streets, none thereof have been

dedicated as public streets, that the City of Richmond has advised applicant that the City has never accepted said streets, and that said streets are neither improved nor used. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation nor to avoid a grade crossing at the point of crossing of Fourteenth Street; that under the above circumstances no authorization is necessary from this Commission for the construction of its track at grade across said Eleventh Street, Twelfth Street, Commercial Avenue, Thirteenth Street and Shore Avenue, and that the application, in so far as it affects Fourteenth Street, should be granted subject to certain conditions,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a drill track at grade across Fourteenth Street in the City of Richmond, County of Contra Costa, State of California, at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions:

- (1) The above crossing of Fourteenth Street shall be identified as Crossing No. ~~AK~~²-1.88-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, 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 pavement and with grades of approach not exceeding three (3) per cent, and shall be protected by Standard No. 1 crossing sign as specified in our General Order No. 75.
- (4) No train, engine, motor or car shall enter upon said crossing of Fourteenth Street, unless traffic on the highway be protected by a member of the train crew or other competent employee.

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- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) 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.
- (7) 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, 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^d day of November, 1931.

Al Seamy
Leon Williams
W. J. Lane
M. B. Lane
Fred G. Stewart
 Commissioners.