

Decision No. 24251.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of The Atchison, Topeka and Santa
Fe Railway Company, a corporation,
for authority to construct, main-
tain and operate a proposed drill
track over and across Eighth Street,
Hermann Avenue, Alley in Block 6,
Ninth Street, Ellis Street and Tenth
Street-Wright Avenue in the City of
Richmond, County of Contra Costa,
State of California.

ORIGINAL

Application No. 17766.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on November 3, 1931, applied for authority to construct a drill track at grade across Eighth Street, Hermann Avenue, Alley in Block 6, Ninth Street, Ellis Street and Tenth Street-Wright Avenue in the City of Richmond, County of Contra Costa, State of California. The necessary franchise or permit (Ordinance No. 692) 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 Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a drill track at grade across Eighth Street, Hermann Avenue, Alley in Block 6, Ninth Street, Ellis Street and Tenth Street-Wright Avenue in the City of Richmond, County of Contra Costa, State of California, at the locations 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 Tenth Street shall be identified as Crossing No. 2K-1.55-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing of Tenth Street 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 a Standard No. 1 crossing sign, as specified in our General Order No. 75.
- (4) No train, motor, engine or car shall enter upon said crossing of Tenth Street unless traffic on the highway be protected by a member of the train crew or other competent employee.
- (5) This order is made upon the express condition that Eighth Street, Hermann Avenue, Alley in Block 6, Ninth Street and Ellis Street are not now actually constructed and open to travel at the respective points of crossing and this order shall not be deemed an authorization for the construction of openings of said streets to public use across said drill track. Said track shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction

of openings of said streets across said drill track 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 23^d day of November, 1931.

C. J. Seavey
Leon Whitely
W. A. Linn
W. B. Linn
Fred G. Stewart
 Commissioners.