

# ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of  
EMERGENCY TRANSPORTATION COMPANY for  
permission to lay down, construct and  
maintain at grade a single track street  
railroad over and across the railroad  
track of the Southern Pacific Company and  
a spur track of the Western Pacific Rail-  
way Company, in Oakland, Alameda County,  
California.

Application No. 3753.

.....

W. H. Smith for applicant,  
George D. Squires for Southern  
Pacific Company.  
W. E. McDonald for Western Paci-  
fic Railway Company.

THELLEN, Commissioner.

## O P I N I O N.

In this application the Emergency Transportation Com-  
pany, a street railway company organized to build a short piece  
of track on Chestnut Street between First and Eighth Streets,  
Oakland to be operated by the San Francisco-Oakland Terminal  
Railways, asks permission to construct its line across the double  
track electric suburban line of the Southern Pacific on Seventh  
Street and a spur track of the Western Pacific on Third Street.  
Applicant proposes to bring its cars to a full stop before cross-  
ing the tracks of the Southern Pacific Company and to proceed over  
them only upon a signal from a flagman who will be stationed at  
the crossing. At the Western Pacific crossing the cars will be  
brought to a full stop and will proceed only after it has been  
ascertained that it is safe to do so.

At the hearing held on this application on May 22 re-  
presentatives of the two railroads stated that their respective

companies had no objection to the crossings being constructed provided applicant would enter into the usual crossing agreements covering their operation and maintenance, and the method of protection outlined in the application would be followed. This applicant has indicated its willingness to do.

There seems to be no reason why this application should not be granted subject to the usual conditions. If applicant is unable to agree with Southern Pacific Company and Western Pacific Company regarding the crossing contracts the Commission will make such further orders as may appear to be necessary.

I recommend the following form of order:

#### O R D E R.

Emergency Transportation Company having applied to the Commission for permission to construct a single track railroad across the track of the Southern Pacific Company and a spur track of the Western Pacific Railway Company; and a public hearing having been held, and it appearing to the Commission that this application should be granted subject to certain conditions:

IT IS HEREBY ORDERED, That applicant be and the same hereby is permitted to construct a single track railroad on Chestnut Street, across the tracks of the Southern Pacific Company on Seventh Street and across a spur track of the Western Pacific Railway Company on Third Street, / as shown in the map attached to the application; said crossings to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings shall be borne by applicant, together with the cost of their maintenance thereafter subject to such conditions as applicant, Southern Pacific Company and Western Pacific Railway Company may

agree upon.

(2) After the installation of crossing frogs all engines, trains, motors and cars of Southern Pacific Company and Western Pacific Railway Company shall approach the crossings under full control. Cars of applicant shall not pass over Southern Pacific tracks until they have been brought to a full stop and a signal to proceed has been received from a flagman stationed there for the purpose of protecting the crossing. Cars of applicant shall not proceed over the Western Pacific Railway crossing until they have been brought to a stop and a conductor or other employee of applicant shall have first gone upon the crossing and ascertained that it is safe to do so.

(3) 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 foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of May, 1918.

Max Thelen  
H. D. Leonard  
Chas. Gordon  
\_\_\_\_\_  
\_\_\_\_\_

Commissioners.