

Decision No. 5886-

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the petition
of the BAY POINT AND CLAYTON
RAILROAD COMPANY for crossing
tracks of the ATCHISON, TOPEKA
& SANTA FE RAILROAD COMPANY,
and SOUTHERN PACIFIC COMPANY,
at Bay Point.

Application No. 4114.

Elmer Westlake for Southern
Pacific Company.
Platt Kent for Santa Fe System.
W. Dorn for Pacific Coast Ship-
building Company.
Mastick and Partridge for appli-
cant.

GORDON, Commissioner.

O P I N I O N

This application was filed with the Commission on September 26, 1918, and an amended petition was filed subsequently on October 14, 1918. A public hearing was held on the amended petition at Bay Point on October 15, 1918.

The applicant, Bay Point and Clayton Railroad Company, desires to construct an overhead railroad crossing over the tracks of the Atchison, Topeka and Santa Fe Railroad Company and the Southern Pacific Company at Bay Point for the purpose of extending their line, which now has a connection and interchange with the Atchison, Topeka and Santa Fe Railroad at Bay Point, to a terminal site on the waterfront.

The Pacific Coast Shipbuilding Company has recently acquired

a tract of land, over which a portion of this extension will be built, and is engaged in constructing ships for the government of the United States of America. There are no housing facilities at Bay Point at the present time for the large number of workmen in the shipbuilding plant, and, to house these workmen, the Town of Clyde is being constructed under the direction and authority of the Emergency Fleet Corporation and the Shipping Board of the United States of America, at a point about two miles from Bay Point and located on the main line of the Oakland, Antioch and Eastern Railway.

The Oakland, Antioch and Eastern Railway will handle the workmen to and from the shipyard and the Town of Clyde over the overhead crossing to be built by the applicant, by constructing a connecting track between the Oakland, Antioch and Eastern Railway and the Bay Point and Clayton Railroad Company at a point near the crossing.

Both the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railroad Company stated that no objections would be made to the crossing of their tracks, provided the plans for the structures were submitted for their approval, as to clearances and type of construction, and that proper contracts for the construction and maintenance were entered into. The applicant agreed to stand the entire expense of constructing the overhead crossing, subject to their agreement with the Oakland, Antioch and Eastern Railway, and to agree to a type of construction and clearances to be approved by the roads to be crossed.

I believe that the crossing is necessary for the handling of freight by the Bay Point and Clayton Railroad Company and for the purpose of transporting workmen to and from the shipyards.

I recommend the following form of order:

O R D E R

Bay Point and Clayton Railroad Company having applied to the Commission for permission to construct an overhead crossing over the tracks of the Atchison, Topeka and Santa Fe Railroad Company and Southern Pacific Company at Bay Point, County of Contra Costa, State of California; and a public hearing having been held, at which all interested parties were present, and the Commission being fully apprised in the premises;

IT IS HEREBY ORDERED, That the Bay Point and Clayton Railroad Company be and the same is hereby granted permission to construct an overhead railroad crossing over the tracks of the Atchison, Topeka and Santa Fe Railroad Company and the Southern Pacific Company at Bay Point, in the place and manner shown on the map accompanying the amended petition, subject to the following conditions, viz.:

(1) The construction, operation, maintenance and protection of this crossing shall be in accordance with the tentative agreements filed with the Commission on Oct. 17th & 29th 1918, except in matters herein specifically mentioned.

(2) The entire expense of the construction and maintenance of this overhead crossing, in a good and first-class condition, shall be borne by the applicant.

(3) The Commission reserves the right to make such further orders relative to the construction, maintenance and protection of this overhead crossing 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 1st day of November, 1918.

Edwin O. Edgerly
H. B. Howard
W. G. Gordon