

track structure at Sixteenth Street and petitioned that not more than one-half of the cost of building the double track bridge be assessed to the railway company. The railway company states that increased traffic over the line on which this structure is located requires that the existing single track line be double tracked in the near future, and that the Commission's Order makes no provision for a double track structure.

The existing connection with the Southern Pacific Company's tracks was installed by the United States Railroad Administration under Decision 5810, Application No. 4102, in the latter part of 1918. The permit for these tracks passed by the City Council of Richmond as Resolution No. 1142 on August 26, 1918 appears to be revocable at the pleasure of the Board at any time on thirty (30) days' notice. From the testimony it appears that the railway company feels that the type of structure required at this point was not gone into thoroughly at the original hearing. The railway company evidently expected, in the case of a decision by the Commission in favor of the city, that a double track crossing would be ordered, as has been done on main line crossings elsewhere.

The City states that it has no objection to the installation of a double track structure but contends it does not see why it should be required to pay one half of the cost of a structure designed for railway facilities not yet in existence and where the existing single track earth embankment of the railroad acts as a check to the City's growth and requires a grade separation in order that proper access may be had from one portion of the City to another.

On important single main line tracks, which, due to growth of the State, will probably be double tracked within several years time, it has been the policy of the Commission to order

the construction of double track structures for most of the main grade separations where highways run under the railroad. The case under consideration differs from the usual case in that the crossing is located on a branch line which has become important through the connection established with the Southern Pacific Company's main line. When the City filed the original application, the railroads were under government control and no one was in a position to know how long the connection with the Southern Pacific Company's tracks would be continued. The testimony given at the hearing of the original application shows that although the cost and length of span and its necessity were discussed by the railroad representatives at the hearing, no concern seemed to be given by them as to whether the structure proposed by the City was for single or double track. As the existing railroad embankment is for single track, it might properly be taken for granted that the City would apply for a single track structure along the lines shown on the plan attached to the application.

The common use of terminals by the various railroads has undoubtedly proved economical and of great public convenience, and it is probably the desire of the Santa Fe Railway to continue the use of the Southern Pacific tracks from Richmond to Oakland Pier. However, the Company's testimony does not give any tangible evidence that an agreement had been reached between the two companies for such future joint operation.

The Santa Fe Railway Company did not ask at the hearing that one half of the additional cost required for a complete double track structure be assessed to the City but asked merely that one half of the cost of the additional substructure required for double track be assessed to the City. They estimated the cost of half of the additional substructure required at Twenty-five Hundred Dollars (\$2500). The Company intended to place

the additional girders for double track at its own cost at a later date.

Considering the circumstances surrounding the hearing of the original application the fact that the existing railroad is a branch line which acts as an obstruction to the City's growth; that the second track is not an existing obstacle but is planned for the future, and that the railroad company seemed unable to give any definite testimony in regard to the continued use of this line in conjunction with the Southern Pacific tracks to Oakland Pier or when they actually intended to install such double track and considering further that this crossing is the only one on this line on which double track has been applied for. it seems only reasonable to assess the additional cost of a double track structure entirely to the Company. The following order is recommended.

FIRST SUPPLEMENTAL ORDER.

The Atchison, Topeka and Santa Fe Railway Company having applied to the Commission for a supplemental order authorizing the construction of a double track structure at Sixteenth Street, Richmond, instead of the single track undergrade crossing ordered constructed in Decision No. 6875, and having further applied for an order assessing not more than one-half of the cost of such a double track substructure to the railway company; a public hearing having been held, the Commission being fully apprised in the premises and of the opinion that that portion of the supplemental application relating to the construction of a double track crossing should be granted and being of the belief that the cost of such double track crossing over and above the cost of a single track crossing should be paid for by the railway company and that none of such additional cost should be paid by the City for reasons discussed in the foregoing Opinion;

IT IS HEREBY ORDERED, That the order in Decision No.6875, Application No. 4446, made in November 28, 1920 be amended to read as follows;

IT IS HEREBY ORDERED, That the City of Richmond and The Atchison, Topeka and Santa Fe Railway Company be and the same hereby are ordered to construct a double track undergrade highway crossing at Sixteenth Street, Richmond, at the point and along the lines shown on the maps attached to the original application of the City insofar as they can be applied to a double track structure; said construction to be made subject to the following conditions, viz:

(1) The undergrade highway crossing shall be constructed to conform to the Commission's General Order No. 26.

(2) The entire expense of constructing that portion of the crossing equivalent to a single track undergrade crossing for the existing railroad fill shall be borne fifty (50) per cent by the City of Richmond and fifty (50) per cent by The Atchison, Topeka and Santa Fe Railway Company. The cost of such portion of the undergrade crossing as is necessary to provide for the addition of the second or double track, shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(3) The City of Richmond shall have the right to raise the necessary funds for its portion of the expense of this construction, in such manner under the laws of California as the City Council shall deem proper.

(4) 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, the public convenience and necessity demand such action.

The foregoing First Supplemental Opinion and Order are hereby approved and ordered filed as the Supplemental Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day
September
of August, 1920.

Edwin O. Edgerton

Frank P. Devlin

H. R. Brundage

Livingston Martin

Commissioners.