

Decision No. 28383

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the  
People of the State of California, on  
relation of the Department of Public Works,  
for an order authorizing the construction  
of a crossing at separated grades of the  
state highway and the tracks of the Western  
Pacific Railroad, south of the City of San  
Leandro, in the County of Alameda, State of  
California. )

ORIGINAL

Application No. 20227

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on October 31, 1935, applied for authority to construct a state public highway known as Washington Avenue (State Route 69), at separated grades under the main line track of The Western Pacific Railroad Company in the vicinity of San Leandro. The Western Pacific Railroad Company, on November 2, 1935, signified, in writing, that it has no objection to the construction of said undergrade crossing.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as Washington Avenue (State Route 69) at separated grade under the main line track of The Western Pacific Railroad Company in the vicinity of San Leandro, County of Alameda, State of California, at the location more particularly described in the application and substantially in accordance

with and as shown by the plan attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 4-16.0-B.
- (2) The entire expense of constructing the crossing shall be borne by applicant. That portion of the sub-structure below the base of bridge seats including the paving, drainage and lighting shall be maintained by applicant. That portion of the superstructure above the base of bridge seats including the track and appurtenances thereto shall be maintained by The Western Pacific Railroad Company.
- (3) Prior to the commencement of construction, applicant shall file a set of plans for said crossing showing clearances, road way width, alignment and grades of approach, which plans shall have been approved by the interested parties.
- (4) Within six months from the date of this order, Applicant shall file a certified copy of an agreement between it and The Western Pacific Railroad Company covering the terms of construction and maintenance of said crossing.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) 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.
- (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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of November, 1935.

Leon C. Sullivan

M. A. Cunn

Walter H. Brown

Frank R. Levin

Commissioners.