

Decision No. 28729

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 certain crossings at separated grades of State highway Routes 5 and 107 and the tracks of the Southern Pacific and Western Pacific Railroads at Niles, County of Alameda, State of California.

Application No. 20371

ORIGINAL

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on February 7, 1936, applied for authority to construct certain public roads and highways at separated grades under the tracks of Southern Pacific Company and The Western Pacific Railroad Company in the vicinity of Niles, Alameda County. In order to improve crossing conditions in the vicinity, a change in the location of State Highway Route No. 5 is proposed requiring the construction of six grade separations of this highway and connecting roads with railroad tracks. Upon completion of the project it appears that several grade crossings can be closed, the vehicular travel greatly reduced at others, and an existing hazardous undergrade crossing abolished. The new and old crossings affected are as follows:

TABLE I. NEW UNDERGRADE CROSSINGS

<u>Road</u>	<u>Railroad</u>	<u>Suggested Crossing No.</u>
1. State H'wy Rt. 5 (New location)	S. P. Main Line	D-29.5-B
2. Niles Canyon Rd (New location)	S. P. San Jose Branch	DA-29.6-B
3. State Rt. 107 (New connection to Centerville Road)	S. P. San Jose Branch	DA-29.9-B
4. State Rt. 107 (New connection to Centerville Road)	S. P. Wye Track	DAB-42.4-BC
5. State Rt. 5 (New location)	W. P. Main Line	4-30.4-B
*6. State Rt. 5 (New location)	W. P. San Jose Branch	4G-1.4-B

* Widening an existing underpass.

TABLE II. EXISTING CROSSINGS TO BE CLOSED

<u>Road</u>	<u>Railroad</u>	<u>Crossing No.</u>
1. Vallejo Street	S. P. Main Line	D-29.5
2. State Rt. 107 (Niles Canyon Rd)	S. P. San Jose Branch	DA-29.5-B
3. State Rt. 5 (Present location)	S. P. Dumbarton Branch	DAB-42.4
4. do	S. P. Wye Track	DAB-42.5-C
5. do	W. P. Main Line	4-30.3
6. do	S. P. San Jose Branch	DA-30.6

Of the above crossings to be closed, the first will be physically closed by the construction of a subway at approximately the same location, while the other five crossings are under the jurisdiction of applicant and their abandonment as public crossings should be made a condition of this order.

In addition there are several private crossings and one or two county road crossings which will have little if any use upon completion of the project and could well be abolished. Applicant, however, is without authority or power to close these latter crossings and if a formal order from this Commission is necessary to effect such closing, it should be as a result of a separate proceeding directed against the parties having power to do so.

Southern Pacific Company and The Western Pacific Railroad Company have signified in writing that they have no objection to the construction of the proposed crossings provided certain of the existing grade crossings are closed.

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

I. 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 public roads and highways, as described in Table I above, at separated grade under the tracks of Southern Pacific Company and The Western Pacific Railroad Company in the vicinity of Niles, Alameda County, at the locations 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 crossings shall be identified by crossing numbers as shown in Table I above.
- (2) The entire expense of constructing the crossings in good and first-class condition for safe and convenient use of the public shall be borne by applicant.
- (3) The cost of maintaining Crossings Nos. D-29.5-B, DA-29.9-B and DAB-42.4-BC shall be borne on the following basis: Applicant shall maintain the substructure of said crossing structures, including the paving, drainage and lighting, and the superstructure shall be maintained by Southern Pacific Company.

- (4) The cost of maintaining Crossing No. 4-30.4-B and of that portion of Crossing No. 4G-1.4-B herein authorized shall be borne on the following basis: Applicant shall maintain the substructure of said crossing structures, including the paving, drainage and lighting, and the superstructure shall be maintained by The Western Pacific Railroad Company.
- (5) Before beginning the actual construction of Crossing No. DA-29.6-B, applicant shall file with the Commission evidence that the County of Alameda has agreed to and will assume the cost of maintaining the substructure of said crossing, including the cost of paving, drainage and lighting. The cost of maintaining the superstructure of said crossing shall be borne by Southern Pacific Company.
- (6) Prior to the commencement of construction, applicant shall file a set of plans for said crossings showing the clearances, alignment and grades of approach thereof. Said plans shall have been approved by the interested parties.
- (7) Within six months from the date of this order, applicant shall file certified copies of agreements between the interested parties covering the terms of construction and maintenance of said undergrade crossings.
- (8) Upon completion and opening to public use and travel of Crossings Nos. D-29.5-B, DA-29.9-B, DAB-42.4-BC and 4-30.4-B, applicant shall legally abandon and vacate and effectively close to public use and travel the existing grade crossings of State Highway Route No. 5 with the tracks of Southern Pacific Company and The Western Pacific Railroad Company identified as Crossings Nos. 4-30.3, DAB-42.4, DAB-42.5-C and DA-30.6.
- (9) Upon completion and opening to public use and travel of Crossing No. DA-29.6-B, applicant shall legally abandon and vacate and effectively close to public use and travel the existing undergrade crossing of State Highway Route 107 with the San Jose branch of Southern Pacific Company, identified as Crossing No. DA-29.5-B.

II. IT IS HEREBY FURTHER ORDERED that applicant is hereby authorized to construct the crossing of a temporary detour road at grade with the track of Southern Pacific Company in the vicinity of Crossing No. D-29.5-B as herein authorized, subject to the following conditions:

- (1) Said crossing shall be identified as Crossing No. D-29.6.
- (2) The entire expense of constructing and maintaining the crossing shall be borne by applicant.

- (3) The crossing shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two Standard No. 1 Crossing Signs, as specified in our General Order No. 75-A; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) In the event said crossing is used for the purpose of detouring traffic from State Highway Route No. 5, traffic over said crossing shall be protected by human flagman during the period of such detour.
- (5) Upon completion and opening to public use and travel of Crossing No. D-29.5-B, said temporary detour Crossing No. D-29.6 shall be abolished and effectively closed.

III. IT IS HEREBY FURTHER ORDERED that:

- (1) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of the crossings authorized in this decision and of its compliance with the conditions hereof.
- (2) 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.
- (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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 18th day of April, 1936.

W B Lewis
Leon Anthony
W J Lewis
W H Lewis
Frank R. Lewis

Commissioners