

Decision No. 28884.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of KEY SYSTEM, a corporation, for installation of "exemption signs" at spur railroad tracks where motor vehicles carrying passengers for hire need not stop in accordance with Section 576 of the Vehicle Code and G.O. 86 of the Railroad Commission of the State of California.

Application No. 21164.

ORIGINAL

BY THE COMMISSION:

O R D E R

In the above numbered application Key System requests approval of its plan to erect and maintain distinctive signs, hereinafter referred to as "exempt signs," as provided in Section 576(d) of the Vehicle Code and General Order No. 89 of this Commission, at the following described crossings with spur tracks.

<u>Crossing Number</u>	<u>Name of Railroad</u>	<u>Street</u>	<u>City</u>	<u>County</u>
4-12.8-C	W.P.R.R.Co.	San Leandro St. at Harvey Sta.	Oakland	Alameda
4-12.7-C	-do-	San Leandro St. near Harvey Sta.	-do-	-do-
4-10.9-C	-do-	San Leandro St. near 53rd Ave.	-do-	-do-
4-8.1-	-do-	12th Ave. & E.8th St.	-do-	-do-
4-7.9	-do-	9th Ave. & E.8th St. (2 spurs only)	-do-	-do-
D-10.37-C	So.Pac.Co.	42nd Ave.& San Leandro Street (2 tracks)	-do-	-do-

The Western Pacific Railroad Company has signified, in writing, that it will not oppose the granting of this application. Southern Pacific Company advises in writing that it will abide by the decision of the Commission in this matter.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore,

IT IS HEREBY ORDERED that the Railroad Commission of the State of California approves the plan to install and maintain distinctive or "exempt signs," in accordance with Section 576(d) of the Vehicle Code, at the above described crossings, subject, however, to the following conditions:

- (1) Said "exempt signs" shall be in accordance with the requirements of General Order No. 89.
- (2) Said "exempt signs" shall be erected or caused to be erected and maintained by those authorities designated and empowered by the Vehicle Code to erect and maintain highway traffic signs.
- (3) The approval herein granted does not exempt the operator of any vehicle from the observance of any provision of the Vehicle Code pertaining to the operation of vehicles at railroad crossings.
- (4) In the event of removal, for any cause whatsoever, or obstruction to view of the "exempt signs" herein approved, the authority to move over such spur track crossings without first coming to a full and complete stop is annulled and revoked, and such full and complete stop must at all times be made by the operator of the vehicle until such signs are again displayed.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said "exempt signs."
- (6) The approval 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.
- (7) The Commission reserves the right to make such further orders relative to the establishment of "exempt signs" at said crossings as to it may seem right and proper, and to revoke its approval 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 21st day of June, 1937.

William H. Harrison
Frank B. Blaine
Charles A. B. B. B.
Ray L. Rice
Commissioners.