

Decision No. 35250

ORIGINAL

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 construc-
 tion of crossings at grade of a Naval In-
 dustrial Access Road and certain spur
 tracks of the Southern Pacific Railroad
 between El Cerrito Hill Overhead, in
 Albany, Alameda County, and Potrero Avenue,
 in Richmond, Contra Costa County, State of
 California.) Application No. 24904

In the Matter of Application of Southern Pa-
 cific Company for an order authorizing the
 construction at grade of a wye track across) Application No. 24888
 41st Street and across Meeker Avenue, in
 the City of Richmond, County of Contra
 Costa, State of California.)

BY THE COMMISSION:

ORDER IN APPLICATION NO. 24904
SUPPLEMENTAL ORDER IN APPLICATION NO. 24888

In Application No. 24904 the People of the State of Cali-
 fornia, on relation of the Department of Public Works, request
 authority to construct crossings at grade with tracks of Southern Pa-
 cific Company at three locations in the City of Richmond. These
 crossings are necessary in connection with the building of a Naval
 Industrial Access Road between El Cerrito Hill Overhead, Albany, and
 Potrero Avenue, Richmond. At two of these points there are existing
 crossings of minor streets with the tracks at approximately the loca-
 tions proposed for the new highway. At one of these existing cross-
 ings, that of Meeker Street with the Seaver Avenue lead track, Cross-
 ing No. A-13-57-C, the Commission recently authorized Southern Pa-
 cific Company, in Application No. 24888, Decision No. 35213, to con-
 struct an additional track, thereby forming a wye. The wye track had
 not been constructed at the time of the filing of the instant applica-
 tion and is therefore not included in the application. Authority to
 cross the wye track, if and when constructed, will be given in the

present order but the cost of constructing and protecting the crossing is still an obligation of Southern Pacific Company.

The protection specified in Decision No. 35213 in the application of Southern Pacific Company was based on crossing what was then an unimportant minor street and not an arterial highway. Decision No. 35213 should therefore be modified to provide Standard No. 8 crossing signals and flood lighting. Since such signals and lighting would also protect the crossing with the existing track, for which the Department of Public Works is now making application, its cost should be borne fifty per cent by each party.

Southern Pacific Company, in stating its position in regard to this application, requests that the Commission in effect commit itself with respect to its action on some future application which the company may find necessary in connection with a relocation of its so-called 2nd Street drill. Such commitment can not be made. Neither can we require the Department of Public Works to grant a permit for this track or for the proposed wye track across property acquired by the State on either side of Meeker Street. The application of the Department of Public Works for the crossing will be granted subject to certain conditions and proper modification of Decision No. 35213 made.

IT IS HEREBY ORDERED that the Department of Public Works of the State of California is authorized to construct a Naval Industrial Access Road across spur and lead tracks of Southern Pacific Company at Richmond, Contra Costa County, at the locations described in the application, to be identified as follows:

Spur track at Engineer's Station 128 as Crossing No. A-12.9-C,

Spur track at 47th Street as Crossing No. A-13.3-C, replacing an existing crossing with the same number.

Seaver Avenue lead track and a wye track at 41st and Meeker Streets as Crossing No. A-13.57-C, replacing an existing crossing with the same number.

Applicant shall bear entire construction expense, excepting as hereinafter provided, also maintenance cost outside of lines two

feet outside of rails. Southern Pacific Company shall bear maintenance cost between such lines. Width of crossings shall conform with adjacent portions of the highway and grades of approach shall not exceed three per cent. Construction shall be equal or superior to Standard No. 2 of G. O. No. 72. Protection shall be by two Standard No. 1 crossing signs (G. O. No. 75-B) at Crossing No. A-12.9-C and by two Standard No. 8 crossing signals at Crossing No. A-13.3-C and Crossing No. A-13.57-C. Crossing No. A-13.57-C shall be floodlighted. The cost of protection prescribed at Crossing No. 13.57-C shall be borne fifty per cent by the Department of Public Works and fifty per cent by Southern Pacific Company. Maintenance of the Standard No. 8 crossing signals at both crossings shall be by Southern Pacific Company and applicant shall maintain the floodlighting at Crossing No. A-13.57-C. This order shall not be construed as relieving Southern Pacific Company of the cost of constructing its proposed wye track across the highway.

The crossings authorized in this order may be opened to public use pending the installation of the special protection ordered herein, provided traffic on the highway be protected by a member of the train crew or other competent employee of the railroad company acting as a flagman.

IT IS HEREBY FURTHER ORDERED that Decision No. 35213 in Application No. 24868 is modified to provide that the grades of approach of the crossing therein authorized shall not exceed three per cent and that said crossing shall be protected with Standard No. 8 crossing signals.

In all other respects Decision No. 35213 is in full force and effect.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time

be extended, or if above conditions are not complied with. Authoriza-
tion may be revoked or modified if public convenience, necessity or
safety so require. This order shall be effective immediately.

Dated at San Francisco, California, this 12th day
of May, 1942.

Arthur W. Riley
H. B. Smith
Frank R. Havener
Charles L. ...
Commissioners