

Decision No. 37456

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of The United States of America)
for authority to construct, main-)
tain and operate a railroad track)
across the right of way and tracks)
of Southern Pacific Company in the)
City of Alameda, County of Alameda,)
State of California, for the pur-)
pose of serving the United States Army)
Air Force Intransit Depot.)

ORIGINAL

Application No. 26421

BY THE COMMISSION:

O R D E R

The United States of America, by Leo B. Varty, Captain, Corps of Engineers, Contracting Officer, on October 30, 1944, applied for authority to construct, maintain, and operate a rail crossing at grade upon and across the right of way and track of the Southern Pacific Company approximately 1,000 feet west of Webster Street in the City of Alameda, County of Alameda, State of California.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned; and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The United States of America is hereby authorized to construct a rail crossing at grade in the City of Alameda, County of Alameda, State of California, at the location more particularly shown on print of C. E. Drawing No. 17973, dated July 8, 1944, attached to and made a part of the application in the instant matter, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing in first-class condition for safe and convenient railway use shall be borne by The United States of America. The foregoing, together with the method of safeguarding operations thereof and the allocation of other expenses which may be incurred

in connection with the use of the crossing, shall be agreed to in writing between the appropriate authority of The United States of America and the Southern Pacific Company, and a certified copy of such agreement shall be filed with the Commission within six months after the date of this order.

- (2) In the use of the crossing herein authorized, all engines, cars, or trains approaching the crossing upon the tracks of The United States of America shall come to a stop not less than ten feet (10') nor more than fifty feet (50') from the nearest rail of the crossing, and shall not proceed thereafter until receiving an appropriate signal from a flagman or other qualified employee. Such signal shall not be given until it has been definitely ascertained that no engines, cars, or trains are approaching from either direction on the conflicting route under conditions which will render it possible for an interference to occur with the movement about to be made over the crossing. All engines, cars, or trains on the tracks of the Southern Pacific Company shall approach the crossing at a speed from which a stop can be made before fouling the crossing in the event that the crossing is occupied or about to be occupied by engines, cars, or trains on the conflicting route. The engines, cars, or trains of the Southern Pacific Company shall take precedence in the use of the crossing.
- (3) Operating bulletins issued by the appropriate authority of The United States of America and the Southern Pacific Company, governing the use of the rail crossing herein authorized under the conditions herein outlined, shall be filed with the Commission on or before the date when operation over the crossing is commenced.

Within thirty days after completion pursuant to this order, the Commission shall be so advised in writing. This authorization shall become void if not exercised within one year unless time be extended, or if its conditions are not complied with. This authorization 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 3rd day of
November, 1944.

Richard Lusk

Francis D. Havenner
Francis O. Love

Commissioners