Decision No. 37494

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Southern)
Pacific Company for an order authorizing)
the construction at grade of industry track) crossing The Atchison, Topeka and Santa Fe)
Railway Company's wye track on 26th Street,) Application No. 26425
in the vicinity of Wood Street, in the City)
of Oakland, County of Alameda, State of California.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Southern Pacific Company on November 8, 1944, filed first supplemental to its Application No. 26425, seeking authority to construct, maintain, and operate a rail crossing at grade over the wye track of The Atchison, Topeka and Santa Fe Railway Company on 26th Street in the vicinity of Wood Street, City of Oakland, 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 Southern Pacific Company is hereby authorized to construct a rail crossing at grade in the City of Oakland, County of Alameda, State of California, at the location more particularly shown on print of Western Division Drawing 0-2079, Sheet No. 2, Rev., dated March 29, 1944, revised August 30, 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 Southern Pacific Company. The foregoing together with the method of safe-guarding operation 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 Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company and a certified copy of such agreement shall be filed with the Commission within six months after the date of this order.
- In the use of the crossing herein author-ized, all engines, cars, or trains approach-ing the crossing on the tracks of the industry spur of the Southern Pacific Company shall come to a stop not less than ten feet (101) 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 Atchison, Topeka and Senta Fe Railway Company shall approach the crossing at a speed no greater than that from which a stop can be made before fouling the crossing in the event the crossing is occupied or about to be occupied by an engine, car, or train on the conflicting route. Engines, cars, or trains on the tracks of The Atchison, Topeka and Santa Fe Railway Company shall take precedence in the use of the crossing.
- Operating bulletins issued by the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway 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 January California, this 3/2 day of November, 1944.

COMMISSIONERS

Justres Q. Cealines