

Decision No. 37941

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of The Atchison, Topeka and Santa)
Fe Railway Company, a corporation,)
for authority to construct, main-)
tain and operate a lead track)
serving Richmond Shipbuilding)
Corporation's Shipyard No. 2,)
across the Southern Pacific Com-)
pany's Seaver Avenue Yard Lead)
Track, in the City of Richmond,)
County of Contra Costa, State of)
California.)

ORIGINAL

Application No. 26402

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company on October 17, 1944; applied for authority to maintain and operate an existing rail crossing at grade across the Southern Pacific Company's Seaver Avenue Yard Lead Track in the City of Richmond, County of Contra Costa, 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 Atchison, Topeka and Santa Fe Railway Company is hereby authorized to maintain and operate a rail crossing at grade in the City of Richmond, County of Contra Costa, State of California, at the location more particularly shown upon map and profile of Division Engineer's Drawing No. T-20-87, revised September 13, 1944, attached to and made a part of the application in the instant matter, subject to the following conditions:

- (1) The expense of maintaining the crossing in first-class condition for safe and convenient railway use, the allocation of other expenses which may be incurred in connection with the use of the crossing, and the method of safeguarding operation thereof shall be agreed to in writing between The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company and a certified copy of such agreement shall be filed with the Commission on or before October 18, 1945.
- (2) In the use of the crossing herein authorized, in conjunction with the adjacent crossing authorized by our order in Decision No. 34816 in Application No. 24561, dated December 2, 1941, all engines, cars, or trains approaching the crossings on the tracks of The Atchison, Topeka and Santa Fe Railway Company shall come to a stop not less than ten feet (10') nor more than fifty feet (50') from the nearest rail of the first crossing approached, 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 on a conflicting route under conditions which will render it possible for an interference to occur with the movement about to be made over the crossings. All engines, cars, or trains on the tracks of the Southern Pacific 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. If engines, cars, or trains are closely approaching on the conflicting route, the movement on the tracks of the Southern Pacific Company shall be brought to a stop clear of the crossing and shall not proceed thereafter until the movement on the conflicting route has been brought to a stop. Engines, cars, or trains on the tracks of the Southern Pacific Company shall take precedence in the use of the crossing.
- (3) Copies of operating bulletins issued by the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, governing the use of the crossings under the conditions herein outlined, shall be filed with the Commission within thirty days after the date of this order.

This authorization shall become void if its conditions are not complied with, and 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 29th day of March, 1945.

Harold G. Nelson
Justus F. Calmes
Richard H. Chase
Wm. W. Brown
Frank H. Lewis
COMMISSIONERS