

Decision No. 40297

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of )  
THE WESTERN PACIFIC RAILROAD COMPANY )  
for temporary authority to operate )  
over its tracks with impaired clear- )  
ances in the City of Oakland, County )  
of Alameda, State of California. )

Application No. 28428

ORIGINAL

ORDER

The Western Pacific Railroad Company on May 13, 1947 applied for authority to conduct operations adjacent to temporary impaired side clearances of 8' from the center line of tangent main and passing tracks extending a distance of 8' vertically above the top of rail at the location of the "Fifth Avenue Overpass", in the City of Oakland, being Crossing No. 4-7.5-A, authorized by Decision No. 39199 in amended Application No. 27244. The temporary impairments requested are necessitated in connection with the erection of false work by the contractors, Stolte and Harrelson, for the purpose of constructing collision walls along the piers of said overpass. The applicant states that said false work will remain in place from the time of erection until approximately June 30, 1947.

It appearing that a public hearing is not necessary herein; that the temporary impairments are reasonable and necessary during the construction of the collision walls along the piers of the grade separation structure; and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The Western Pacific Railroad Company is hereby authorized to operate engines, cars and trains adjacent to impaired clearances hereinbefore described for the period necessary to construct the collision walls along the piers of the "Fifth Avenue Overpass" to be erected over the tracks of the applicant in the City of Oakland, subject to the following conditions:

- (1) Warning signs, visible at all times, shall be maintained in advance of the impairments in each direction of approach, calling attention to the existence of the impaired side clearances which are herein authorized.
- (2) Operating bulletins calling the attention of all concerned to the existence of impaired side clearances at the instant location and prohibiting employees from riding on sides of cars while operating adjacent thereto, shall be issued and copy filed with the Commission before the date operations adjacent to the impairments are commenced.

- (3) All trains shall be restricted to a speed of not exceeding 20 M.P.H. in operation adjacent to the impairments herein authorized.
- (4) The Commission shall be advised in writing of the date on which the impairments herein authorized are created and of the date on which such impairments have been eliminated.

This authorization shall become void if its conditions are not complied with, and may be revoked or modified if the construction which necessitates the impairments is not carried on with reasonable dispatch, or if public convenience, necessity, or safety so require. This order shall be effective on the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of

May, 1947.

Harold P. Hule  
Justin J. Cameron  
W. A. Powell  
R. J. Anderson  
Herbert Potter  
Commissioners