

Decision No. 47538**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
 SACRAMENTO NORTHERN RAILWAY for
 authority to construct an industrial
 lead track over and across an
 industrial lead track operated by
 The Atchison, Topeka and Santa Fe
 Railway Company near Pittsburg,
 California.

Application No. 33611

O R D E R

The Sacramento Northern Railway, a corporation, on July 26, 1952, applied for authority to construct an industrial lead track at grade across an industrial lead track operated by The Atchison, Topeka & Santa Fe Railway Company in the vicinity of Pittsburg, County of Contra Costa, State of California. The Atchison, Topeka & Santa Fe Railway Company has consented in writing to the construction of said crossing at grade across this industrial lead track. 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 ORDERED that Sacramento Northern Railway is authorized to construct an industrial lead track at grade over and across an industrial lead track operated by The Atchison, Topeka & Santa Fe Railway Company in the vicinity of Pittsburg, County of Contra Costa, State of California, at the location more particularly described in the application and as shown by the map entitled "Exhibit A" attached thereto, 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 Sacramento Northern Railway in accordance with an agreement approved by this Commission, a certified copy of which shall be filed within six (6) months after the date of this order.

- (2) In the use of the rail crossing herein authorized all engines, motors, cars or trains approaching the crossing on the tracks of applicant shall come to a stop not less than ten (10) nor more than fifty (50) feet 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, motors, 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.
- (3) All engines, motors, cars or trains on the tracks of The Atchison, Topeka & Santa Fe Railway Company shall approach the crossing at a speed not greater than that from which a stop can be made before fouling the crossing in the event it is occupied or about to be occupied by movements on the conflicting route. The Atchison, Topeka & Santa Fe Railway Company shall take precedence in the use of the crossing.
- (4) Operating bulletins issued by applicant and by The Atchison, Topeka & Santa Fe Railway Company governing the use of the rail crossing herein authorized under the conditions outlined shall be filed with the Commission on or before the date when operation over the crossing is commenced.
- (5) Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (7) The Commission reserves the right to make such further orders relative to the installation, construction, operation, maintenance and protection of said crossing as it may deem right and proper and to revoke this

authorization if in its judgment public convenience and necessity demand such action.

The authority herein granted shall become effective twenty (20) days after the date hereof.

Dated at San Francisco this 5th day of August, 1952.

R. T. [Signature]
President

Justin F. Casner
Harold A. Kula

Kenneth Potters
John E. [Signature]
Commissioners