

ORIGINAL

Decision No. 78726

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the CITY OF HAYWARD to construct
a public street across a railroad
of the Southern Pacific Transportation
Company at Mack Street, Hayward.

Application No. 52326
(Filed November 25, 1970)

Douglas S. Cruickshank, for applicant.
Harold S. Lentz, Attorney at Law, for
Southern Pacific Transportation
Company, respondent.
John L. Carroll, for the Commission staff.

O P I N I O N

Public hearing in the instant application was held before Examiner Mooney in San Francisco on April 28, 1971, on which date the matter was submitted. Applicant, respondent railroad and the Commission staff stipulated to the following order which resolves all issues involved in the proceeding, and we so find and conclude.

O R D E R

IT IS ORDERED that:

1. The City of Hayward is hereby authorized to construct Mack Street at grade across an industry-owned spur track in the City of Hayward, Alameda County, at the location described in the application, to be identified as Crossing No. L-20.03-C.
2. Width of the crossing shall be not less than 48 feet and grades of approach not greater than two percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 crossing signals (General Order No. 75-B). However, for a period of one year, protection may

be by two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material, and until the automatic protection is in service, the movement of any car, engine or train over the crossing shall be protected by a member of the train crew.

3. Applicant shall bear the entire expense of construction and installation of the crossing and automatic protection, also maintenance costs of the crossing outside of lines two feet outside of rails. Maintenance costs of the automatic protection shall be borne by applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

4. The spur track is owned by a private industry and Southern Pacific Transportation Company operates upon the track pursuant to agreement with the industry, and, accordingly, it is possible that physical construction and maintenance of the crossing and the automatic protection will be performed by other than railroad. However, said railroad shall not operate over the crossing unless the crossing within lines two feet outside of rails and the automatic protection are installed and maintained to usual Commission and railroad standards.

5. Clearances shall conform to General Order No. 26-D within the area of the grade crossing construction. Walkways for a distance of six feet from the rail on both sides of the track shall provide a reasonable regular surface with gradual slope not to exceed one-inch vertical to eight inches horizontal in all directions of approach in accordance with the provisions of General Order No. 118.

6. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

7. This authorization shall expire if not exercised within one year unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of MAY, 1971.

Chairman

Vernon L. Sturgeon

Commissioners