

Decision No. 12508

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

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 spur track upon  
and across Mill Street, between  
Industrial Street and Sixth Street,  
in the City of Los Angeles, County  
of Los Angeles, State of California.

Application No. 9285

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on August 2nd, 1923, filed with the Commission an application for permission to construct a spur track at grade across Mill Street in the City of Los Angeles, County of Los Angeles, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Ordinance No. 46581 N.S.) has been granted by the Council of said City of Los Angeles for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Mill Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Mill Street in the City of Los Angeles, County of Los Angeles, State of California, described as follows :

"Beginning in the western line of Mill Street 180.54 feet northerly from the northwest corner of Industrial and Mill Streets; thence easterly 60.01 feet on a curve concave to the south, having a radius of 603.80 feet, to a point in the eastern line of Mill Street, 183.37 feet northerly from the northeast corner of Industrial and Mill Streets."

All of the above as shown by the map, (Division Engineer's Drawing No. L-4-5273,) attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, as it now exists; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall not use the granting of this application either by way of defence or argument on the ground of capital expenditure or in any way against any order of this Commission heretofore or hereafter made providing for any railroad unification or terminal plans in the City of Los Angeles.

(4) Applicant, shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of August, 1923.

C. Seaver  
H. B. Brundage  
Waring Martin  
J. T. Whittier  
Commissioners.