

Decision No. 12749

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

ORIGINAL

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to construct a spur track upon and across Ninth Street, in the City of Riverside, State of California.

Application No. 9609

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on December 14, 1923, filed with the Commission an application for permission to construct a spur track at grade across Ninth Street in the City of Riverside, County of Riverside, 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 382, New Series) has been granted by the Mayor and Common Council of said City of Riverside, 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 Ninth 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 Ninth Street in the City of Riverside, County of Riverside, State of California, described as follows:

Beginning at a point in the southwestern line of Ninth Street, distant 111.0 feet southeasterly from the most southern corner of Ninth Street and Santa Fe Avenue; thence northerly 67.5 feet on a curve, concave to the east, having a radius of 383.065 feet, to a point in the northeastern line of said Ninth Street, distant 97.0 feet southeasterly from the most eastern corner of said Ninth Street and Santa Fe Avenue.

All of the above as shown by the map (Div'n. Eng'r's. Dwg. No. I-2-5764) 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 Ninth Street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; 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, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void unless further time is granted by subsequent order.

(5) 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 22^d day of December, 1923.

C. L. Seaver
Irving Martin
Egerton Shaw
Commissioners.