

ORIGINAL

Decision No. 12954

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)
of The Atchison, Topeka and Santa)
Fe Railway Company, a corporation,)
for authority to construct a second)
main track across highways between)
the towns of Bagdad and Daggett, in)
the County of San Bernardino, State)
of California.)

Application No. 9269.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on July 27, 1923, filed with the Commission an application for permission to construct its second main track and passing tracks at grade across certain highways between Bagdad and Daggett in the County of San Bernardino, 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 has been granted by Board of Supervisors of said County of San Bernardino for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said county highway, and that this application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED, that permission be and it is here-

by granted The Atchison, Topeka and Santa Fe Railway Company to construct its second main track and passing tracks at grade across certain county highways between Bagdad and Daggett in the County of San Bernardino, State of California, the intersections described as follows:

Crossing No. 1, at Minneola.

1084.8 feet south and 416.0 feet north $79^{\circ} 31'$ west from the northeast corner Section 29, Township 9 North, Range 2 East, S.B.B. & M.

Crossing No. 2, at Newberry.

1632.6 feet south and 371.5 feet north $80^{\circ} 57'$ west of the northeast corner Section 32, Township 9 North, Range 3 East S.B.B. & M.

Crossing No. 3, between Newberry & Troy

2653 feet north and 16.8 feet south $81^{\circ} 57'$ east of the southwest corner of Section 34, Township 9 North, Range 3 East S.B.B. & M.

Crossing No. 4, between Hector and Pisgah.

2299.3 feet west and 1778.1 feet south $57^{\circ} 27'$ more or less west from the southeast corner of Section 17, Township 8 North, Range 6 East, S.B.B. & M.

Crossing No. 5. at Lavic.

3077.2 feet north and 1018.2 feet north $45^{\circ} 33'$ west of the southeast corner of Section 2, Township 7 North, Range 6 West, S.B.B. & M.

Crossing No. 6, at Ludlow.

1275.2 feet north from the Southwest corner of Section 4, Township 7 North, Range 8 East, S.B.B. & M. to the center line

Crossing No. 6, at Ludlow--2

of the main track of The Atchison, Topeka and Santa Fe Railway Company between Bagdad and Daggett, thence 1944.8 feet southwesterly along said center line to the point of crossing.

Crossing No. 7, between Ludlow and Ash Hill.

2511.2 feet westerly along center line of eastward main track of The Atchison, Topeka and Santa Fe Railway Company between Bagdad and Daggett from the intersection of said center line with the east line of Section 2, Township 7 North, Range 8 East, S.B.B. & M.

Crossing No. 8, at Ash Hill.

2651.2 feet southeasterly along center line of westward track from the intersection of said center line with the north line of Section 16, Township 7 North, Range 9 East, S.B.B. & M.

All of the above as shown by the map (C.E.C.L. No. 282-15798) attached to the application; said crossings to be constructed subject to the following conditions, viz:

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said county highways now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The existing public crossings of public roads located at Engineer's Station 38110 plus 51 (at Minneola Station) and at Engineer's Station 6111 plus 41.6 (at Lavic Station) shall be legally abandoned and effectively closed to public use and

travel.

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

(5) If said crossings 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.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment of 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 27th day of December, 1923.

C. Scavoy
Josiah Martin
Carlton Shore
Commissioners.