

Decision No. 10254

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, main-
tain and operate a railroad spur
track upon and across Minerva
Street north and south of Lenard
Street, and Lenard Street at
Minerva Street, in the City of
Los Angeles, County of Los Angeles,
State of California.

Application No. 9791.

BY THE COMMISSION:

ORIGINAL

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on February 18, 1924, filed with the Commission an application for permission to construct a spur track at grade across Lenard Street at Minerva 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. 47,826 New Series) has been granted by the City 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 Lenard 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 Lenard Street at Minerva Street in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

Beginning at the end of said existing track No. 1, eleven (11) feet westerly at right angles from the eastern line of Minerva Street and 7.6 feet southerly from the southern line of Lenard Street; thence northerly 212.6 feet, crossing Lenard Street on a line parallel with and 11 feet westerly from the eastern line of Minerva Street, to a point in the prolongation of the southern line of the alley between Lenard Street and Butte Street.

All of the above as shown by the map (Div'n Eng. Dwg. No. L-3-5527) 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 Lenard 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) Applicant shall not use the granting of this application either by way of defense 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.

(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 13th day of March, 1924.

C. C. Seaver

H. B. Brundage

Irving Martin

J. T. Whittney

Commissioners.