

Decision No. 13556

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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 a certain : Application 10050  
alley in Block 7, Hamilton Tract, :  
between Avenue 21, and 22, in the :  
City of Los Angeles, County of :  
Los Angeles, State of California. :

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 7th day of May 1924, asking for authority to construct a spur track at grade across a certain alley in Block 7, Hamilton Tract, between Avenue 21 and 22, in the City of Los Angeles, County of Los Angeles, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 48,435, New Series) has been granted by the City Council of said city for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said alley and that this application should be granted subject to the conditions hereinafter specified.

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade

across a certain alley in Block 7, Hamilton Tract, between Avenues 21 and 22, in the City of Los Angeles, County of Los Angeles, State of California, as follows:

Beginning at a point in the western line of said alley, distant 627.43 feet, along said western line of said alley, northerly from the northern line of Humboldt Street; thence northeasterly 20.56 feet on a curve concave to the southeast and having a radius of 1042.14 feet to a point in the eastern line of said alley distant 632.10 feet northerly along said eastern line of said alley from the said northern line of Humboldt Street.

All of the above as shown by the map (Division Engineer's Drawing No. L-3-5624) attached to the application and marked Exhibit "A"; 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 alley 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.

(6) 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.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of May 1924.

C. L. Seavey  
H. B. Bond  
Irving Martin  
Ernest Shore  
J.

Commissioners.