

Decision No. 13740.

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 spur)
track across "M" Street in the City)
of Tulare, County of Tulare, State)
of California.)

ORIGINAL

Application No. 10,201

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 20th day of June, 1924, asking for authority to construct its spur track at grade across "M" Street in the City of Tulare, County of Tulare, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 327) 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 "M" Street 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 its spur track at grade across "M" Street, in the City of Tulare, County of Tulare, State of California, as follows:

Commencing at a point 10 feet west of the east line of M Street and 6 feet north of the north line of Pine Street, thence westerly parallel with and distant 6 ft. northerly from said north line of Pine Street 70 feet to the west line of M Street.

All of the above as shown by the map (Division Engineers Drawing No. V-4-310) 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 convenience 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 "M" Street, now graded, with the top of rails flush with the roadway, 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 26th day of
June, 1924.

O. L. Scavey

H. K. Brundage

Irving Martin

Commissioners