

ORIGINAL

Decision No. 15574

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 relocate a track
in and along Bush Street, in the
City of Tulare, County of Tulare,
State of California.

Application No. 11589.

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 15th day of August, 1925, asking for authority to relocate a portion of a spur track at grade across Bush Street, in the City of Tulare, County of Tulare, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 340) has been granted by the Board of Trustees of said City of Tulare for the construction of said crossing at grade. 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 grade separation, or to avoid a grade crossing at the point mentioned in this application with said Bush 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 relocate a spur track at grade across Bush Street, in the City of Tulare, County of Tulare, State of California, as follows:

Commencing at a point in the center line of Bush Street, distant 130.92 feet East of the East line of "K" Street produced Northerly; thence running in a Northwesterly direction 135.83 feet on a curve of 573.69 feet radius concave to the Northeast; thence in a Northwesterly direction 1.99 feet along a tangent to said curve; thence 134.58 feet on a curve of 573.69 feet radius concave to the Southwest to a point in Bush Street distant 8.5 feet at right angles Southerly from the Northerly line of said Bush Street, and distant 59.15 feet at right angles Westerly from the Westerly line of "K" Street produced Northerly; thence running in a Westerly direction 60 feet parallel with and distant 8.5 feet at right angles Southerly from the Northerly line of said Bush Street to a point distant 119.15 feet at right angles Westerly from the Westerly line of "K" Street produced Northerly.

and as shown in dotted red line by the map (Div'n. Eng. Dwg. No. V-6-101-Revised Sept. 26, 1925) 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 substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said Bush Street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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. That portion of said track shown by broken yellow line on said map (Div'n. Eng. Dwg. No. V-6-101) as revised September 26, 1925, shall be removed from said Bush Street and said portion of Bush Street properly paved.

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

(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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of October, 1925.

H. B. Brundage
O. L. Seaver
George D. Squires

Commissioners.