

Decision No. 16643.

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 Mozart Street
and upon Power Street, east of Leroy
Street in the City of Los Angeles,
County of Los Angeles, State of
California.

Application No. 12747.

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 14th day of April, 1926, asking for authority to construct a spur track at grade across a portion of Mozart Street and at grade across Power Street in the City of Los Angeles, County of Los Angeles, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 54325) has been granted by the City Council of said City 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Mozart and Power Streets 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 portion of Mozart Street and at grade across Power Street, in the City of Los Angeles, County of Los Angeles, State of California, as follows:

Beginning at a point on the northern line of Mozart Street, distant 279.22 feet northeasterly from the northeast corner of Mozart and Power Streets, measured along said northern line; thence southwesterly 66.20 feet along the arc of a curve, concave to the northwest and having a radius of 256.292 feet, to a point 8.5 feet southeasterly of and at right angles to the northern line of Mozart Street; thence southwesterly parallel with said northern line 213.76 feet; thence southwesterly 66.20 feet along the arc of a curve, concave to the northwest and having a radius of 256.292 feet, to a point on the northern line of Mozart Street, distant 15.46 feet southwesterly from the northwesterly corner of Mozart and Power Streets, measured along said northern line.

and as shown by the map (Div'n. Eng. Dwg. No. L-9-7920) attached to the application; said crossings to be constructed subject to the following conditions, namely:

(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 crossing of Power Street shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and of a width to conform to that portion

of said street now graded, with the tops of rails at same elevation as main line rails and 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) The Atchison, Topeka and Santa Fe Railway Company shall not operate any train, motor, engine or car at a speed in excess of eight (8) miles per hour over the crossing of this track with said Power and Mozart Streets, in the City of Los Angeles.

(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) 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.

(7) 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, 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 4th day of Mar, 1926.

H. B. Brundage

C. S. ...

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Commissioners.