

Decision No. 16757

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 across an undedicated but
publicly used road near Denair,
County of Stanislaus, State of Cal-
ifornia.

Application No. 12,826.

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, 1926, asking for authority to construct a passing track at grade across an undedicated but publicly used road near Denair, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Exhibit B) dated April 21, 1926, has been granted by the Board of Supervisors of said County 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 road 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 passing track at grade across an undedicated but publicly used road in the vicinity of Denair, County of Stanislaus, State of California, as follows:

Commencing at a point in the west side of the Road (not dedicated to the County but used by the public), said point being 9.99 feet at right angles southerly from the center line of said Railway Company's main track; thence easterly on a 9 degree 30 minute curve, concave northerly, 69.56 feet to a point 14 feet at right angles southerly from the center line of said main track; thence easterly and parallel to said main track 0.65 feet to the east line of said road,

and as shown by the map (Div'n. Eng. Dwg. V-12-7) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said road now graded, with the tops of rails at same elevation as main line rails and flush with the roadway, and with grades of approach not exceeding three (3) 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.

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

Dated at San Francisco, California, this 21st day of May, 1926.

H. B. Mendice
C. Sawyer
Edmunds
Leon Whipple

Commissioners.