Decision No. 1801 3

HCB: IN



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 maintain and oper-) ate an additional steam railroad ) track over and across Palm Avenue, ) in the Town of Highland, County of ) San Bernardino, State of California.)

) Application No. 13476.

BY THE COMMISSION:

## ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above-entitled application with this Commission on the 19th day of January, 1927, asking for authority to construct a passing track at grade across Paln Avenue in the Town of Highland, County of San Bernardino, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 278) 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 Palm Avenue 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 Palm

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Avenue in the Town of Highland, County of San Bernardino, State of California, at the location hereinafter particularly described and as shown by the map (Div. Engr. Dwg. No. L-4-8650) attached to the application.

## Description of Crossing

The center line of the track for the proposed crossing is described as follows:

Beginning at a point in the eastern line of Palm Avenue distant 81.77 feet northerly from the northeast corner of said avenue and Pacific Street; thence westerly in a direct line 61.62 feet to a point in the western line of said Palm Avenue, distant 107.62 feet northerly from the northwest corner of said avenue and said Pacific Street.

The above crossing shall be identified as Crossing No. 2U-18.7.

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 substantially in accordance with Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width not less than that portion of said avenue 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 four (4) 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such manner as will be contrary to any of the provisions of General Order No. 26-A of this Commission.

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(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) 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 <u>734</u>day of February, 1927.

Commissioners.