

ORIGINAL

Decision No. 18137.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application

of

THE TOWN OF ANTIOCH, a municipal corporation of the State of California, for a crossing at grade of a spur track of the Atchison, Topeka and Santa Fe Railway Company on proposed street in the Town of Antioch.

Application No. 13464.

BY THE COMMISSION:

ORDER

The Town of Antioch, County of Contra Costa, State of California, filed the above entitled application with this Commission on the 12th day of January, 1927, asking for authority to construct a public street at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company in the said Town of Antioch as hereinafter set forth.

By proceedings duly and regularly had before the Board of Trustees of applicant, the portions of First Street and Second Street between "O" and "N" Streets and the portion of "N" Street lying northerly of Fourth Street and southerly of the property of The Atchison, Topeka and Santa Fe Railway Company have been closed and abandoned and crossings of said spur track with said "N" Street, said First

Street and said Second Street thereby eliminated.

The Atchison, Topeka and Santa Fe Railway has signified by letter that it has no objection to 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 grade separation or to avoid a grade crossing with said spur track at the point mentioned in this application, 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 Board of <sup>Trustees</sup> ~~Supervisors~~ of the Town H.S.M. of Antioch, County of Contra Costa, State of California, to construct a public street lying from one hundred and thirty (130) feet to one hundred and fifty (150) feet north of the center line of First Street as same extends from "N" Street to "O" Street at grade across the spur track of The Atchison, Topeka and Santa Fe Railway Company at the location shown by the map attached to the application.

The above crossing shall be identified as Crossing No. 2-1152.18-C.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of approximately fifty (50) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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 30<sup>th</sup> day of March, 1927.

*Emmuel Wood*  
*H. B. Brundage*  
*O. C. Seavey*  
*Thos. S. Kauter*  
 Commissioners.