

Decision No. 20812**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 maintain trackage at  
 Exeter, California, with impaired  
 clearances.

Application No. 15065

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company filed the above entitled application with this Commission on September 24, 1928 requesting permission to construct and maintain certain trackage, with clearances not conforming to those prescribed by this Commission's General Order No. 26-C, in the City of Exeter, County of Tulare, State of California.

Applicant proposes to construct an extension to the existing drill track ten hundred and sixty (1060) feet in length, to be located between the main line and a side track. Said construction will not conform to the provisions of this Commission's General Order No. 26-C in that a clearance of fourteen (14) feet will be afforded between the applicant's main line and the proposed track, whereas the order requires that such tracks be constructed with center lines fifteen (15) feet apart.

Applicant alleges that the cost of providing standard clearance at this location is prohibitive as it would involve either the moving of the main line track for a distance of approximately two thousand (2000) feet or the moving of the side track and the adjacent packing houses.

It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that the expense incident to providing standard clearance at this location is not justifiable since the attending hazard would not be serious, as the train movements are infrequent and at slow rates of speed, and that this application should be granted, subject to the following conditions; 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 and maintain an extension ten hundred and sixty (1060) feet in length to the existing drill track, with clearances not in accordance with this Commission's General Order No. 26-C, in the City of Exeter, County of Tulare, State of California, substantially in accordance with and at the location shown on blue-print (Div. Engr. Dwg. No. V-8-86) attached to the application, subject, however, to the following conditions and not otherwise:

(1) The impaired clearances between the existing side track and the platforms of C. D. Pruner, Hahn and Livingston and Pacific Fruit Exchange Packing Houses shall be corrected so as to comply with the provisions of this Commission's General Order No. 26-C within ninety (90) days from the date hereof.

(2) The Commission reserves the right to make such further orders relative to the impaired clearances authorized herein 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 10th day of October, 1928.

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*Al Seamy*  
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*David L. ...*  
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*M. J. ...*  
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Commissioners.