

Decision No. 20534

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 passing track at San Juan Capistrano, in the County of Orange, State of California.

ORIGINAL

Application No. 15190.

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 10th day of November, 1928, asking for authority to construct a side track at grade across Garden Street and Commercial Street, in the vicinity of San Juan Capistrano, County of Orange, State of California, as hereinafter set forth. The necessary franchise or permit (Exhibit B) has been granted by the Board of Supervisors of said County for the construction of said crossings 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 Garden Street and Commercial Street, 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 side track at grade across Garden Street and Commercial Street in the vicinity of San Juan Capistrano, County of Orange, State of California, at the locations hereinafter particularly described and as shown by the map (Division Engineer's Drawing L-8-9739)

attached to the application.

DESCRIPTION OF CROSSINGS.

GARDEN STREET-

Beginning at a point in the southern line of Garden Street, distant thereon 50.87 feet easterly from the intersection of said street line with the eastern line of Occidental Street; thence northerly 40.0 feet in a direct line to a point in the northern line of said Garden Street distant thereon 53.34 feet easterly from the intersection of said northern street line with the eastern line of said Occidental Street.

The above crossing shall be identified as a portion of Crossing No. 2-197.3

COMMERCIAL STREET, and OCCIDENTAL STREET.

Beginning at a point in the eastern line of Occidental Street distant thereon 257.50 feet northwesterly from the intersection of said street line with the northern line of Commercial Street; thence southerly 284.53 feet in a direct line to a point in the southern line of said Commercial Street distant thereon 5.08 feet easterly from the intersection of said southern street line with the western line of said Occidental Street.

The above crossing shall be identified as a portion of Crossing No. 2-197.4

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 crossings 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 of a width to conform to those portions of said streets 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 standard no. 1 crossing signs as specified in General order no. 75 of this Commission and shall in every way be made suitable for the passage thereover

of vehicles and other road traffic.

(3) Cars shall not be stored on the side track herein authorized within forty (40) feet north of Garden Street Crossing No. 2-197.3.

(4) The crossing at Commercial Street, designated as Crossing No. 2-197.4, shall be improved, making it a right angle crossing within the limits of the right-of-way, as is proposed and shown in green on Drawing No. L-8-9739, attached to the application.

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

(6) 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.

(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 20th day of November, 1928.

Leon C. White
C. Deary

W. J. Cur
Commissioners.