

Decision No. 20971.

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 Tulare Avenue, in the
City of Lindsay, County of Tulare,
State of California.

ORIGINAL

Application No. 15530.

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 5th day of April, 1929, asking for authority to construct a side track at grade across Tulare Avenue, in the City of Lindsay, County of Tulare, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 158) has been granted by the City Council of said City 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 Tulare 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 by The Atchison, Topeka and Santa Fe Railway

Company to construct a side track at grade across Tulare Avenue in the City of Lindsay, County of Tulare, State of California, at the location hereinafter particularly described and as shown by the map (Division Engineer's Drawing No. V-20-108) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at the intersection of the south line of Tulare Avenue with the center line of said proposed siding, said center line being parallel to and 15 feet westerly from the center line of said Company's main track; thence northerly along the center line of said proposed siding 60 feet to the north line of Tulare Avenue.

The above crossing shall be identified as a portion of Crossing No. 2M-46.1.

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

(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 of a width to conform to that portion of said avenue 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 six (6) per cent; shall be protected by a Standard No. 1 crossing sign 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) No train, engine, motor or car shall be stored or allowed to stand on said spur track within a distance of one hundred (100) feet from the nearest boundary line of said Tulare Avenue, unless traffic on said avenue be protected by a member of the train crew or other competent employee against any movement of trains, engines, motors or cars over said Tulare Avenue on the main line or any of the adjacent sidings.

(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.

(6) 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 16th day of April, 1929.

Thos. J. Lott

C. J. Seavey

W. J. Carr

Commissioners.