

Decision No. 21313

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>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 Main Street at Empire, in the County of Stanislaus, State of California.</p>
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Application No. 15735.

ORIGINAL

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 20th day of June, 1929, asking for authority to construct a passing track at grade across Main Street in the unincorporated Town of Empire, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (dated June 10th, 1929) 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 Main 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 passing track at grade across a portion of Main Street, in the unincorporated Town of Empire, County of

Stanislaus, State of California, at the location hereinafter particularly described and as shown by the map (Div'n. Eng'rs. Dwg. No. V-18-261) attached to the application.

Description of Crossing

Beginning at the intersection of the south line of Main Street with the center line of proposed extension, said center line being parallel to and 14 feet westerly from the center line of The Atchison, Topeka and Santa Fe Railway Company's main track; thence northerly along the center line of said proposed extension to the north line of Main Street, shown in red on said print hereto attached.

The above crossing shall be identified as a portion of Crossing No. 2-1089.3.

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. 3, in General Order No. 72 of this Commission, and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) 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) At such time as trains, engines, motors or cars are stored or allowed to stand on the passing track within one hundred (100) feet of either property line of Main Street, a member of the train crew or other competent employee shall protect the traffic on said street by acting as a human flagman for all trains, engines, motors or cars operating over said street or any track in the immediate vicinity.

(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 1st day of July, 1929.

Thos. S. Douthett

C. J. Seaver

Ernest J. Scott

M. J. Cur

Commissioners.