

Decision No. 21582

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, maintain and  
operate a single spur track in and  
along an unnamed street and across  
Almond Avenue, in the City of Orange,  
County of Orange, State of California.)

**ORIGINAL**

Application No. 15948.

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 16th day of September, 1929, asking for authority to construct a spur track at grade across Almond Avenue in the City of Orange, County of Orange, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 307) 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 Almond 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 to The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Almond Avenue in the City of Orange, County of Orange, State of California, at the location hereinafter particularly described and as shown by the map (Div. Engr's Drawing No. L-6-10467) attached to the application.

Description of Crossing.

Beginning at a point in the center line of the said railway company's existing main track, located in and along said unnamed street, 647.86 ft. south of the center line of Almond Ave., measured along said center line main track; thence northerly 131.76 ft. on a tangent curve concave to the west and having a radius of 1845.8 ft.; thence northerly 77.25 ft. on a tangent to said curve; thence northerly 131.76 ft. on a tangent curve concave to the east and having a radius of 1845.8 ft.; thence northerly 340.39 ft. on a tangent, parallel to and 15 ft. from the center line of said main track, to a point in the north line of Almond Avenue 313.6 ft. westerly from the northwest corner of Almond Ave. and Cypress St.

The above crossing shall be identified as a portion of Crossing No. 2-172.8.

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 flush with the pavement, and with grades of approach

not exceeding four (4) per cent; and shall in every way be made suitable for the passage thereover 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 19th day of September, 1929.

Thomas D. Louth

Ernest J. ...

M. J. ...  
Commissioners.