

ORIGINAL

Decision No. 22480

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
CITY OF AZUSA, a municipal corporation, )  
for permission to install a grade cross- )  
ing over the tracks of the Atchison, To- )  
peka & Santa Fe Railway Company, at Vir- )  
ginia Avenue in the City of Azusa, Los )  
Angeles County, California. )

APPLICATION NO. 16344

P. J. Tscharnner, City Attorney,  
for Applicant.

W. H. Stockly, for The Atchison, Topeka  
& Santa Fe Railway Company.

BY THE COMMISSION:

OPINION

The City Council of the City of Azusa has petitioned the Commission for authority to construct a public street, known as Virginia Avenue, at grade, across the tracks of The Atchison, Topeka and Santa Fe Railway Company in said City.

A public hearing in this proceeding was conducted by Examiner Satterwhite at Azusa on April 24, 1930, at which time the matter was duly submitted and is now ready for decision.

Virginia Avenue, extending in a general north and south direction, is constructed as far north as Foothill Boulevard, and as far south as approximately Second Street; however, it is not constructed across the Railway Company's tracks.

The territory south of the tracks and adjacent to Virginia Avenue has been developed to a certain extent, and this development is continuing at a normal rate.

The nearest crossing to the east of Virginia Avenue is Foothill Boulevard and Lemon Avenue, a distance of approximately one-fourth mile, while the nearest crossing to the west is Irvindale Avenue, a distance of approximately one mile.

The record shows that many of the residents living in the territory south of the tracks and adjacent to Virginia Avenue, work in the rock plants or cyanide plant, which are reached by Foothill Boulevard east of Virginia Avenue. These residents are now required to go east along Fifth Street to Lemon Avenue, and thence along Lemon Avenue to Foothill Boulevard, and thence west again along Foothill Boulevard.

This crossing was granted by the Commission's Decision No. 17333, dated September 10, 1926. However, before same was constructed, the time limit as set forth in said decision had elapsed, making the order null and void.

The Atchison, Topeka and Santa Fe Railway Company was not opposed to the granting of this application, provided applicant would bear the entire cost of constructing said crossing.

After carefully considering the evidence in this proceeding, we are of the opinion that public convenience and necessity require the construction of said crossing, and that the application should be granted.

#### O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that permission and authority be, and it is, hereby granted to the City Council of the City of

Azusa, County of Los Angeles, State of California, to construct Virginia Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at the location as shown by the map attached to the application.

The above crossing shall be identified as Crossing No. 2-117.6.

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

1. The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Co.

2. The crossing shall be constructed of a width not less than thirty-six (36) feet and at an angle of approximately eighty (80) degrees to the railroad, and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission; 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 thereon of vehicles and other road traffic.

3. A Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission, shall be installed and maintained at said crossing. The cost of installing said wigwag shall be borne by the applicant. The cost of maintaining said wigwag shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

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 26<sup>th</sup> day of

May, 1930.

C. Leary

Leon Whittell

Thos. J. Quinn

Commissioners.