

Decision No. 22559

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 lay down, 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.)

APPLICATION NO. 16589

**ORIGINAL**

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 3rd day of June, 1930, asking for authority to construct a spur track at grade across Almond Avenue and across a portion of an unnamed street (paper street) in the City of Orange, County of Orange, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 314) has been granted by the Board of Trustees of said City, 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 streets, 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 and across a portion of an unnamed street (paper street) in the City of

Orange, County of Orange, State of California, at the locations hereinafter particularly described and as shown by the map (Div. Engr's Drw'g. No. L-7-10972) attached to the application.

Description of Crossings

Beginning at a point in the center line of the Original Main Tract, 4th District, of said Railway Company, distant 21.85 feet southerly thereon from the southern line of Almond Avenue; thence northerly 117.53 feet on a tangent curve concave to the east, having a radius of 942.291 feet; thence northerly 15.93 feet on tangent; thence northerly 75.26 feet on a tangent curve concave to the west having a radius of 603.805 feet; thence northerly 245.63 feet parallel with and 14.0 feet easterly from the center line of said Original Main Track.

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

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

(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 crossing No. 2-172.8 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 street now graded, with the tops of rails at same elevation as main line rails and 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) No train, engine, motor or car shall be operated on said spur track over crossing No. 2-172.8, unless said train, engine, motor or car shall be under full control, and unless traffic on the highway be protected by a member of the train crew, or other competent employee, acting as flagman.

(4) This order is made upon the express condition that the unnamed street is not now actually constructed and open to travel at the respective point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

(5) Said crossing of the unnamed street shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said unnamed street shall hereafter be authorized, and so that said grade crossing may be safe for the passage thereover of vehicles and other road traffic.

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

(7) 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.

(8) 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 21<sup>st</sup> day of

June, 1930.

W. H. ...  
James ...  
Leon ...  
Wm. ...

Commissioners