

Decision No. 23640.

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 an extension  
to its corral track at grade across  
"L" Street and the north half of  
Pine Street, in the City of Tulare,  
County of Tulare, State of California.

ORIGINAL

Application No. 17305.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on April 17, 1931, applied for authority to construct a side track at grade across "L" Street and a portion of Pine Street in the City of Tulare, County of Tulare, State of California. The necessary franchise or permit (Ordinance No. 392) has been granted by the City Council of said City for the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a side track at grade across "L" Street and a portion of Pine Street in the City of Tulare, County of Tulare, State of California, at the

location more particularly described in the application and as shown by the map (Exhibit A) attached thereto, subject to the following conditions:

- (1) The above crossing of "L" Street shall be identified as a portion of Crossing No. 2V-15.0.
- (2) The entire expense of constructing and thereafter maintaining said crossing of "L" Street in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) This order is made upon the express condition that Pine Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of an opening of said street to public use across said side track. Said track shall be so constructed that grades of approach conforming as nearly as practicable with the official street grades will be feasible in the event that the construction of an opening of Pine Street across said side track shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.
- (4) Said crossing of "L" Street shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without superelevation and 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 roadway and with grades of approach not exceeding two (2) per cent, and shall be protected by a Standard No. 1 Crossing Sign as specified in our General Order No. 75.
- (5) No train, engine, motor or car shall be operated over said crossing of "L" Street unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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 crossing, as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of April, 1931.

C. Seaver  
Leon A. Wilson  
M. J. Carr  
M. B. Harris  
Frederic G. Stearns  
Commissioners.