

Decision No. 23684.

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 passing track over and
across County Road No. 2-1106.6 at
Avena, in the County of San Joaquin,
State of California.

ORIGINAL

Application No. 17333.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on April 29, 1931, applied for authority to construct a passing track at grade across a County Road in the vicinity of its Avena Station, County of San Joaquin, State of California. The necessary franchise or permit (Resolution dated April 9, 1931) has been granted by the Board of Supervisors of said County 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 a grade separation or to avoid a grade crossing at the point 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 passing track at grade across a County Road in the vicinity of Avena Station, County of San Joaquin, State of California, at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions:

- (1) The above crossing shall be identified as a portion of Crossing No. 2-1106.6.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.

- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed of a width to conform to that portion of said road 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 six (6) per cent, and shall be protected by a Standard No. 1 crossing sign as specified in our General Order No. 75.
- (4) At all times that cars are allowed to stand on said passing track within one hundred fifty (150) feet of the center of said crossing, no train, motor, engine or car shall be operated across said road unless highway traffic be protected by a member of train crew or other competent employee acting as flagman.
- (5) 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.
- (6) 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.
- (7) 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 11th day of May, 1931.

C. Seaver

M. J. ...

Fred G. Stewart
Commissioners.