

Decision No. 23687

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 extend its Track
No. 14 in and along an unnamed
street and across Palmyra Avenue
in the City of Orange, County of
Orange, State of California.

APPLICATION NO. 17334

BY THE COMMISSION.

ORIGINAL

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on April 29, 1931, applied for authority to construct a spur track at grade across Palmyra Avenue and across a portion of an unnamed street (paper street) in the City of Orange, County of Orange, State of California. The necessary franchise or permit (Ordinance No. 326) has been granted by the City Council of said City for the construction of said crossings 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 spur track at grade across Palmyra 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 more particularly described

in the application and as shown by the map (Div'n Eng'r's Dr'w'g No. L-5-11348) attached thereto, subject to the following conditions:

- (1) The above crossing of Palmyra Avenue shall be identified as a portion of crossing No. 2-172.9.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing No. 2-172.9 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 avenue now graded, and with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding five per cent (5%).
- (4) No train, motor, engine or car shall enter upon said crossing No. 2-172.9 on the spur track authorized herein, at a speed greater than eight (8) miles per hour and unless traffic on the highway be protected by a member of the train crew, or other competent employee, acting as flagman. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (5) This order is made upon the express condition that the unnamed 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 The Atchison, Topeka and Santa Fe Railway Company's track. Said track shall be so constructed that grades of approach not exceeding two per cent (2%) will be feasible in the event that the construction of an opening of said unnamed street across The Atchison, Topeka and Santa Fe Railway Company's 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.
- (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 11th day of May, 1931.

C. A. Sewer

W. J. Van

Fred G. Stewart

Commissioners.