

Decision No. 23897

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the CITY OF SAN CLEMENTE for  
Permission to Construct a Public  
Street Over the A. T. & S. F. Ry.  
Co. Track.

ORIGINAL  
Application No. 17431.

BY THE COMMISSION:

O R D E R

The City of San Clemente, County of Orange, State of California, on June 8, 1931, applied for authority to construct a public road at grade across the track of The Atchison, Topeka & Santa Fe Railway Company, in said City of San Clemente. The Atchison, Topeka & Santa Fe Railway Company, on June 27, 1931, signified, in writing, that it has no objection to 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 with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the City of San Clemente, in the County of Orange, State of California, is hereby authorized to construct a public road at grade across the track of The Atchison, Topeka & Santa Fe Railway Company, at the location shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 2-203.6.
- (2) 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 & Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the construction and maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of Ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be constructed equal or superior to type shown as Standard No.2 in our General Order No. 72; shall be protected by a Standard No.1 Crossing Sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) A Standard No. <sup>3</sup>2 wigwag, as specified in General Order No. 75 of this Commission, shall be installed at the sole expense of applicant for the protection of said crossing and maintained thereafter at the expense of The Atchison, Topeka and Santa Fe Railway Company.
- (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 21st  
day of April, 1931.

Leon Whitney

W. B. Kain

Fred G. Stewart

Commissioners.