

Decision No. 24473

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 three) APPLICATION NO. 17253
tracks across Mill Street, in the)
Cities of San Bernardino and Colton,)
San Bernardino County, California.)

BY THE COMMISSION:

ORIGINALFIRST SUPPLEMENTAL ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on January 25, 1932, filed a supplemental application in the above entitled proceeding, requesting authority to construct only one storage track at grade across Mill Street in the Cities of San Bernardino and Colton, County of San Bernardino, in lieu of the three storage tracks authorized to be constructed by this Commission's Decision No. 23652, dated May 4, 1931, and also requesting authority to be relieved from the necessity of installing a wigwag and flood lights at said location, as required by said decision.

Applicant alleges that subsequent to the issuance of said decision, it has been decided to construct but one track across Mill Street, in lieu of the three tracks proposed in the original application, and to construct but two tracks south of Mill Street, in lieu of the large number of storage tracks originally proposed. Applicant also agrees not to store cars north of the clearance point on said storage tracks, which point is approximately three hundred (300) feet south of Mill Street.

This revision in the proposed plan is such as to materially change the conditions which would have resulted at said crossing if the original plan had been consummated, so it would appear that applicant's request is reasonable.

It appearing that a public hearing is not necessary herein, and that applicant's request 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 storage track at grade across Mill Street, in the Cities of San Bernardino and Colton, County of San Bernardino, State of California, at the location more particularly described in the supplemental application and as shown by the map (Division Engineer's Drawing No. L-8-11343), attached thereto, subject to the following conditions:

- (1) The above crossing of Mill Street shall be identified as a portion of Crossing No. 2B-1.3.
- (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 without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding six (6) per cent, and shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75.
- (4) No train, engine, motor or car shall enter upon said crossing on the storage yard track authorized herein 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) 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.

IT IS HEREBY FURTHER ORDERED that Decision No. 23652, dated May 4, 1931, is hereby revoked and of no further force and effect.

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

Dated at San Francisco, California, this 8th day of February, 1932.

C. S. Seaman
Leon Carter
M. A. Lewis
M. B. Harris
Fred G. Stevenson
Commissioners.