

Decision No. 786

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)
of The Atchison, Topeka & Santa)
Fe Railway Company, a corporation,)
for permission to construct a spur : Application No. 7880.
track at grade across Damask Avenue)
in the City of Inglewood, County of :
Los Angeles, State of California.)

Paul Burks, Attorney for Applicant,

Clyde Woodworth, Attorney for
City of Inglewood.

C. A. Smith, Attorney for
Standard Oil Company.

W. W. Clary, Attorney for
Railroad Commission of the State
of California.

BY THE COMMISSION:

O P I N I O N

In this application, Atchison, Topeka & Santa Fe Rail-
way Company asks permission to construct a spur track at grade
across Damask Avenue in the City of Inglewood.

A public hearing on this matter was held on June 29,
1922 before Examiner Williams in the City of Los Angeles.

There is no dispute by any of the interested parties
as to the fact that public convenience and necessity require the
construction of this spur track at grade across Damask Avenue.
The City has granted the railroad permission to construct this
track in Ordinance No. 247, passed February 20, 1922. It is
further agreed that it is not reasonable nor practicable to
avoid a grade crossing with said Damask Avenue. It does, how-
ever, appear that at the point of the proposed crossing Damask

the Public Utilities Act provides that the track of a railroad corporation shall not be constructed across a public road, highway or street, at grade. The highway in question is a legally constituted one, whether actually traveled or not and we can see no reason for excepting it from the provisions of the Public Utilities Act. Furthermore, we can see very good reasons for the requirement that an application be made to the Commission in such cases. The railroad should be constructed across the highway in such manner that if the highway should be thrown open to travel, neither a dangerous situation nor one difficult or expensive to remedy will result. In other words, the crossing of the paper street should be one that can be made safe without unnecessary expense or the possible tearing up and replacement of tracks.

However, it should not be understood from the fact that an application is made and granted at this time that no further application to the Commission is necessary when and if the street is actually improved and opened at the point of this crossing. Section 43 also provides that no public road, highway or street shall be constructed across the tracks of a railroad at grade without the permission of the Commission. Before this road is actually constructed and thrown open to

travel across this railway track, application must be made to the Commission so that such further measures may be taken for the protection of the public as may then be necessary.

O R D E R

The Atchison, Topeka & Santa Fe Railway Company, a corporation, having on May 25, 1922, filed an application for permission to construct a spur track at grade across Damask Avenue in the City of Inglewood, County of Los Angeles, State of California, as hereinafter indicated, a public hearing having been held on this application, the Commission being apprised of the facts and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED , that permission be and it is hereby granted the Atchison, Topeka & Santa Fe Railway Company to construct a spur track at grade across Damask Avenue in the City of Inglewood, County of Los Angeles, State of California, described as follows:

Beginning at a point in the present constructed siding of the Atchison, Topeka & Santa Fe Railway Company, which point is located 17.6 feet southerly from engineers station M. P. 10 plus 242.8 equals 11 plus 33.9; thence easterly along a curve to the left, having a radius of 603.3 feet, a distance of 167.29 feet; thence along a curve to the right, having a radius of 573.7 feet, a distance of 158.9; thence tangent easterly a distance of 51 feet; the center line of spur track intersecting center line of Damask Avenue at a distance of approximately 50 feet measured southerly along said center line of

Damask Avenue from its intersection with the center line of the Redondo Branch of the Atchison, Topeka & Santa Fe Railway Company.

All of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter shall be borne by applicant.

(2) Said crossing shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that the construction of a roadway along said Damask Avenue at grade across said track shall hereafter be authorized, and so that such a grade crossing may be made safe in every way for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) This order is made upon the express condition that Damask Avenue is not now actually constructed and open to travel at the point of crossing and said order shall not be deemed as authorization for the construction of and opening said avenue to public use and travel across said railroad tracks.

(6) 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, the public convenience
and necessity demand such action.

Dated at San Francisco, California, this 4th
day of July, 1922.

H. R. Brundage

Dwight M. Mason

J. F. Trenchard

Commissioners