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Decision No. 7969

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company for permission to construct a spur track in and along Minerva Street and at grade across Cheney Street in the City of Los Angeles, County of Los Angeles, State of California.

Application No. 5935

By the Commission,

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on July 21, 1920, filed with the Commission an application for permission to construct a spur track in and along Minerva Street and at grade across Cheney Street in the City of Los Angeles, County of Los Angeles, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that a temporary permit for the construction of the spur track has been granted by the Board of Public Works of the City of Los Angeles pending the passing of a permanent franchise allowing the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That temporary permission be hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct a spur track in and along Minerva Street and at grade across Cheney Street in the City of Los Angeles, County of Los Angeles, State of California described as follows:

Beginning at a point in the center line of the said The Atchison, Topeka and Santa Fe Railway Company's existing spur track in Minerva Street designated as Track No.1, 177.75 feet south of the south line of Cheney Street; thence northerly on a tangent curve concave to the southwest, having a radius of 398.94 feet, a distance of 141.00 feet; thence northerly on a reverse curve concave to the northeast, having a radius of 271.60 feet, a distance of 97.43 feet to a point 4.13 feet southerly from the northern line of Cheney Street; thence north on a tangent parallel to and distant 8.5 feet easterly at right angles from the western line of Minerva Street, a distance of 149.13 feet to the end.

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

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of Minerva Street and Cheney Street now graded, with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) This temporary Order granting permission to construct the spur track applied for shall become permanent after the City Council of Los Angeles shall have passed the necessary franchise

but shall automatically be revoked in the event that said permanent franchise is not granted.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 14<sup>th</sup> day of August, 1920.

Edwin O. Edgerton

Frank R. Wilson

Dwight Martin

Commissioners.