

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of TEMESCAL ROCK COMPANY for permission to construct its track at grade across Magnolia Avenue, and also at grade across the track of The Atchison, Topeka and Santa Fe Railway Company near Porphyry, Riverside County, California.

Application No. 523.

O R D E R

By the Commission,

TEMESCAL ROCK COMPANY, a corporation, having on September 5, 1913, filed with the Commission an application for permission to construct its track at grade across Magnolia Avenue and also at grade across the track of The Atchison, Topeka and Santa Fe Railway Company near Porphyry, Riverside County, California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary, that applicant has entered into an agreement with The Atchison, Topeka and Santa Fe Railway Company, whereby the permission of the latter Company has been secured for constructing said track at grade, and arrangements having been made that are mutually satisfactory between the Companies, relating to the construction, maintenance and protection of said crossings, copy of which agreement, dated February 19, 1913, is attached to the application; and it further appearing that it is not reasonable nor practicable to avoid grade crossings at the point of intersection of said Railway and Magnolia Avenue and also of said track of The Atchison, Topeka and Santa Fe Railway Company, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be hereby granted Temescal Rock Company to construct its track at grade across Magnolia Avenue, and also at grade across the Porphyry Spur of The Atchison, Topeka and

Santa Fe Railway Company, near Porphyry, Riverside County, California, as shown by the map attached to the application, and 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 crossing of Magnolia Avenue shall be constructed of a length not less than forty-eight (48) feet, with grades of approach not exceeding six (6) per cent, and shall be ballasted with first-class stone or gravel ballast to a depth of not less than six (6) inches, and in every way made safe for the passage thereover of vehicles and other road traffic. At the crossing of applicant's track with the Porphyry Spur of The Atchison, Topeka and Santa Fe Railway Company applicant shall provide the necessary crossing frogs and shall thereafter maintain same in good and safe condition.

(3) All engines, motors, trains or cars of applicant shall come to a full stop before passing over the crossing and within fifty (50) feet thereof, and shall not pass over the crossing until conductor or other employee has first gone thereon and ascertained that no engine, motor, train or car of The Atchison, Topeka and Santa Fe Railway Company is approaching the crossing from either direction; should no engine, motor, train or car be approaching the crossing, then said conductor or other employee may signal and permit his engine, motor train or car to proceed over the crossing. All engines, motors, trains or cars of The Atchison, Topeka and Santa Fe Railway Company shall be operated over the crossing under control and at a speed not exceeding fifteen (15) miles per hour, provided proper signals are given with whistle and bell before reaching the crossing to advise the employees of applicant of such approach.

(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 11th day of September, 1913.

John W. Eschleman

Max Thelen

Edwin O. Edgerton

Commissioners.