

Decision No. 28851.

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 and for a period of fifty years to operate and maintain a single spur track in and along the alley in Blocks 41 and 42, Townsite of Fullerton, in the City of Fullerton, County of Orange, State of California.

Application No. 19235.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on December 18, 1933, applied for authority to construct a spur track at grade across a portion of an unimproved alley in Blocks 41 and 42 in the City of Fullerton, County of Orange, State of California. The necessary franchise or permit (Ordinance No. 423) has been granted by the City Council of said City for 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 at the point mentioned and that the application 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 spur track at grade across a portion of an unimproved alley in Blocks 41 and 42 in the City of Fullerton, County of Orange, State of California,

at the location more particularly described in the application and as shown by the map (Drawing No. CECL-76-20242) attached thereto, subject to the following conditions:

- (1) 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.
- (2) This Order is made upon the express condition that said alley is not now actually constructed and open to travel at the point of crossing and that this Order shall not be deemed an authorization for the construction of an opening of said alley to public use and travel across said spur track. Said track shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that the construction of an opening of said alley across said spur track shall hereinafter be authorized and so that grade crossing may be made safe for the passage thereover 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 and of its compliance with the conditions hereof.
- (4) 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.
- (5) 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 5<sup>th</sup> day of March, 1934.

C. C. Lenny  
Leon Williams  
M. A. Green  
W. B. Lundy  
W. H. Lundy  
Commissioners.