Decision No. 28516

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 lay down, construct, maintain and operate a spur track at grade across East 26th Street, in the City of Vernon, County of Los Angeles, State of California.

Application No. 20342.

BY THE COMMISSION:

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The Atchison, Topeka and Santa Fe Railway Company, a corporation, on January 11, 1936, applied for authority to construct a spur track at grade across East 26th Street in the City of Vernon, County of Los Angeles, State of California. A temporary permit (No. 2746 under date of January 9, 1936) 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 East 26th Street in the City of Vernon, County of Los Angeles, State of California, at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions:

- (1) The above crossing of East 26th Street shall be identified as Crossing No. 2-144.28-C.
- (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. 3 in this Commission's 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 tops of rails flush with the pavement; with grades of approach not exceeding two (2) per cent, and shall be protected by two standard No. 1 crossing signs, as specified in General Order No. 75-A of this Commission.
- (4) Applicant shell remove the track shown in green on the map, "Exhibit "A" attached to the application, in so far as it lies in East 26th Street, and shall repair the roadway to conform to the remainder thereof.
- (5) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew, or other competent employee, acting as flagman.
- (6) Applicant shall, within ninety (90) days from the date hereof, submit a certified copy of a franchise or permit from the City of Vernon, for the construction of said crossing at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossing shall then lapse and become void, unless further time is granted by subsequent order.
- (7) 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.
- (8) The authorization herein granted shall lepse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (9) 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.

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

Dated at San Francisco, California, this <u>20</u> day of January, 1936.

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Commissioners.