

Decision No. 29204

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the PEOPLE OF THE STATE OF CALIFORNIA,)
on relation of the DEPARTMENT OF)
PUBLIC WORKS, for an order authorizing)
the construction of a crossing at grade)
of the state highway and the tracks of)
The Atchison, Topeka and Santa Fe Rail-)
way, Olinda Branch, between Rose Drive)
and Prospect Avenue, in the County of)
Orange, State of California.)

Application No. 20734

ORIGINAL

BY THE COMMISSION.

O R D E R

The People of the State of California, on relation of the Department of Public Works, on August 28, 1936, applied for authority to construct a public road, known as Road VII-Ora-176-A, at grade across the track of the Olinda Branch of The Atchison, Topeka and Santa Fe Railway Company, between Rose Drive and Prospect Avenue in the County of Orange, State of California. The Atchison, Topeka and Santa Fe Railway Company, on September 18, 1936, signified, in writing, that it has no objection to 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 with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct Road VII-Ora-176-A at grade across

the track of The Atchison, Topeka and Santa Fe Railway Company, at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 22-2.8.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by The Atchison, Topeka & Santa Fe Railway Company. The Atchison, Topeka & Santa Fe Railway Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the rails.
- (3) The crossing shall be constructed of a width of not less than forty (40) feet and at an angle of approximately fifty-five (55) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in General Order No. 72 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two Standard No. 1 crossing signs, as specified in General Order No. 75-A of this Commission, shall be installed at the sole expense of applicant, for the protection of said crossing of Road VII-Ora-176-A, Crossing No. 22-2.8. The maintenance of these protective devices shall thereafter be borne by The Atchison, Topeka & Santa Fe Railway Company.
- (5) 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.
- (6) 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.
- (7) 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 19th day of October, 1936.

M B Kern
Leon Whitely
W A Cline
W H ...
Frank ...
Commissioners