

Decision No. 29525

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 relocate, lay down, construct, maintain and operate track No. 8 in and along Stowell Avenue and across a portion of Sultana Avenue, in the City of Upland, County of San Bernardino, State of California.

ORIGINAL

Application No. 20982

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on January 27, 1937, applied for authority to relocate track No. 8 at grade across Stowell Avenue at Third Avenue and Sultana Avenue, in the City of Upland, County of San Bernardino, State of California. A temporary permit has been granted by the City Council of said City for the construction of said crossings at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct track No. 8 at grade across Stowell Avenue at Third Avenue and Sultana Avenue, in the City of Upland, County of San Bernardino, State of California, at the locations more particularly described in the application and as shown by the

map (Division Engineer's Drawing No. L-6-12821) attached thereto, subject to the following conditions:

- (1) The crossing of Stowell Avenue at Third Avenue shall be identified as Crossing No. 2-100.85-C and the crossing of Sultana Avenue shall be identified as a portion of Crossing No. 2-100.8.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossings shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to those portions of said avenues now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) per cent, and each shall be protected by a Standard No. 1 crossing sign as specified in our General Order No. 75-A.
- (4) Applicant shall remove the track shown in yellow on the map (Division Engineer's Drawing No. L-6-12821) attached to the application, in so far as it lies in said streets, and shall repair the roadway to conform to the remainder thereof.
- (5) The authority herein granted shall become null, void and of no further effect unless applicant shall file with this Commission within ninety (90) days from the date hereof, unless further time is granted by subsequent order, a certified copy of a franchise or permit from the City of Upland approving the construction of said crossings.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (7) 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.
- (8) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on

the date hereof.

Dated at San Francisco, California, this 8th day of
February, 1937.

William A. ...
Leon ...
Arthur R. ...
Arthur ...
Ray L. ...
Commissioners