

ORIGINAL

Decision No. 16762.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the County of San Bernardino for per-
mission to construct a crossing at
grade over the Atchison, Topeka and
Santa Fe Railway near Minneola, San
Bernardino County, California.

Application No. 12,583.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of the County of San Bernardino, State of California, filed the above entitled application with this Commission on the 26th day of February, 1926, asking for authority to construct a public road at grade across the tracks of The Atchison, Topeka & Santa Fe Railway Company near Minneola, in said County, as hereinafter set forth. The Atchison, Topeka & Santa Fe Railway Company has signified by letter from its General Manager that it has no objection to the construction of said crossing at grade, provided that an existing crossing located approximately 5,000 feet west of the one applied for be officially closed and provided further, that the railway company be put to no expense in connection with the installation of the new crossing.

It appears that the crossing, which the railway company desires closed is on the State Highway and therefore not under the jurisdiction of the County of San Bernardino.

This Commission is informed, however, that the Highway Commission plans to do away with this crossing by constructing the Highway wholly on the south side of the railway from Dagget to the crossing proposed to be closed. It is expected that this change will be carried out as soon as the State Highway Commission has funds available for the construction of this six miles of highway.

Investigation conducted by the Engineering Department of the Commission shows that the crossing applied for will be used to connect the state highway on the south side of the Santa Fe with the highway known as the Arrowhead Trail, located immediately north of the Los Angeles and Salt Lake Railroad Company's right of way, a distance of some four miles. It is contended that the proposed road would shorten the distance between the town of Yermo on the Salt Lake about four miles to the west and the town of Newberry about four miles to the east of the proposed road on the Santa Fe. The district in the vicinity of the proposed crossing is but sparsely settled and it would appear that but one crossing is necessary for this district. The Commission is of the opinion that the proposed crossing should be opened only in case the present highway crossing about 5,000 feet to the west be closed and the order granting the application will so provide.

O R D E R

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of San Bernardino, State of California, to construct a county road at grade across the tracks of The Atchison, Topeka

and Santa Fe Railway Company, as follows:

Beginning at a point on the center line of the main line track of the Atchison, Topeka and Santa Fe Railway Company, north 79 degrees 26 minutes west, 25.43 feet from the intersection of said center line of said main line track with the section line between Sections 27 and 28, Township 9 North, Range 2 East, S. B. M., thence north along a line parallel with and 25 feet west of said section line, 101.73 feet to the north line of the right of way of said Atchison, Topeka and Santa Fe Railway Company; thence south 79 degrees 26 minutes East, 50.86 feet along the north right of way line of said Railway Company; thence south along a line parallel with and 25 feet east of said section line, 203.45 feet to the south right of way line of said Railway Company; thence north 79 degrees 26 minutes west, 50.86 feet along said south right of way line of said Railway Company; thence north along a line parallel with and 25 feet west of said section line, 101.72 feet to the point of beginning;

and as shown by the map (Plot showing proposed grade crossing over A.T. & S.F. Ry. near Minneola) attached to the application, said crossings to be constructed subject to the following conditions, namely:

(1) Said Crossing shall not be constructed until the State Highway Crossing distant 5,000 feet to the west therefrom, shall have been officially abandoned and physically closed to public use and travel.

(2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe

Railway Company.

(3) The crossing shall be constructed of a width not less than twenty four (24) feet and at an angle of approximately eighty (80) degrees to the railroad and with grades of approach not greater than two and one half per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) 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, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 25 day of

May, 1925.

H. B. ...
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Commissioners.