

**ORIGINAL**

Decision No. 19076.

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 the  
grade over the Atchison, Topeka and Santa  
Fe Railway, near Fontana, San Bernardino  
County, State of California.

Application No. 14157.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of San Bernardino, State of California, filed the above entitled application with this Commission on the 17th day of October, 1927, asking for authority to construct a public street known as Beech Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of the Town of Fontana, as hereinafter set forth. Said The Atchison, Topeka and Santa Fe Railway Company has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; 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 in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore,

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 Beech Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company at the location hereinafter particularly described and as shown by the map attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point on the center line of the right-of-way of the Atchison, Topeka and Santa Fe Railway north  $88^{\circ} 21'$  east 1664 feet from the mile post #91 said mile post being shown on the right-of-way map as engineer's station 520 plus 12.92, said point of beginning being south  $88^{\circ} 21'$  west 30 feet from the intersection of the said center line of said Atchison, Topeka and Santa Fe Railway, with the center line of Beech Avenue, as shown on tract 2102 recorded in map book 32, page 31 records of San Bernardino; thence north  $8^{\circ} 38' 30''$  west 50.35 feet to a point on the north right-of-way line of said Railway; thence north  $88^{\circ} 21'$  east along the said north right-of-way line of said Railway, 60 feet thence south  $80^{\circ} 38' 30''$  east 100.7 feet to a point on the south right-of-way line of said Railway; thence south  $88^{\circ} 21'$  west along the said south right-of-way line of said Railway, 60 feet; thence north  $8^{\circ} 38' 30''$  west 50.35 feet to the point of beginning.

The above crossing shall be identified as Crossing No. 2-90.6.

Said crossing shall be constructed subject to the following conditions and not otherwise:

1. 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 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 as-

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essed 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.

2. The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) 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.

3. The existing public crossing of Beech Avenue located approximately four hundred and fifty-six (456) feet east of the proposed crossing, shall be legally abandoned and effectively closed to the public use and travel immediately after the crossing authorized herein is open to public use.

4. Applicant shall cause to have removed the eucalyptus trees located on each side of the railroad right of way for a distance of not less than eighty (80) feet each side from the center line of said Beech Avenue. In the event the trees are not removed an automatic flagman shall be installed for the protection of this grade crossing at the sole expense of the applicant. Said automatic flagman shall be of a type and installed in accordance with Standard No. 3 in General Order No. 75 of this Commission. If said automatic flagman be installed, its maintenance thereafter shall be borne by The Atchison, Topeka and 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.

6. 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.

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, 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 Sunday  
December  
of November, 1927.

Ernest C. ...  
Al ...  
Leon ...  
...  
M. A. ...  
Commissioners.