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Decision No. 19719

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the County of San Bernardino for permission to construct a crossing at grade over The Atchison, Topeka and Santa Fe Railway, in the vicinity of Newberry, in the County of San Bernardino, State of California.

Application No. 14600.

ORIGINAL

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 13th day of April, 1928, asking for authority to construct a public road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Newberry Station, 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 tracks 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 a public road at grade across the tracks 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 South 81° East, a distance of 40.5 feet from the point of intersection of the center line of the said railway right-of-way and the West line of Section 33, Township 9 North, Range 3 East, San Bernardino Base and Meridian; said point of intersection being Santa Fe Engineer's Station 37803-00.5; thence from the above described point of beginning North 0° $3'$ West along a line 40 feet East of and parallel to the West line of Section 33 a distance of 202.51 feet to a point in the North line of the Railway right-of-way; thence North 81° $0'$ West 40.5 feet; thence North 0° $3'$ West, 109 feet along the railway right-of-way line; thence South 89° $57'$ West 40 feet along the railway right-of-way line; thence South 0° $3'$ East, along a line 40 feet West of and parallel to the West line of Section 33 for a distance of 507.34 feet to a point in the South line of the Railway right-of-way; thence South 81° East along the South line of the railway right-of-way for a distance of 81.01 feet; thence North 0° $3'$ West along a line 40 feet East of and parallel with the West line of Section 33 for a distance of 202.51 feet to a point in the center line of the railway right-of-way, the point of beginning.

The above crossing shall be identified as Crossing No. 2-725.8.

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 outside of 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.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle to the railroad as shown by the map attached to the application, and with grades of approach not greater than six (6) 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 crossing sign, constructed in accordance with Standard No. 1, as specified in General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) The existing public crossing, located approximately four hundred (400) feet west of the crossing herein granted, shall be legally abandoned and effectively closed to public use and travel.

(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 5th day of May, 1928.

Leon Whitell
W. Deane
Wm. J. ...
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Commissioners.