

Decision No. 20855

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
CITY OF SAN BERNARDINO for an order authorizing) Application
the construction of a grade crossing.) No. 15200

Fred A. Wilson, City Attorney, for Applicant.
M. W. Reed, for The Atchison, Topeka & Santa Fe
Railway, Protestant.

BY THE COMMISSION -

O P I N I O N

The City of San Bernardino has petitioned the Railroad Commission for an order authorizing the construction of "D" Street across the right-of-way and track of The Atchison, Topeka & Santa Fe Railway Company, in the City of San Bernardino, County of San Bernardino.

A public hearing on this application was conducted by Examiner Handford at San Bernardino, the matter was duly submitted and is now ready for decision.

The Highland-Redlands branch of The Atchison, Topeka and Santa Fe Railway, a single track line, is constructed in Thirtieth Street which extends in an easterly and westerly direction.

"D" Street, a concrete paved street, approximately forty-five (45) feet in width, extends south of Thirtieth Street through a residential district and also through the main business district of San Bernardino, while to the north of said track, "D" Street extends through a newly subdivided residential district.

Testimony adduced at the hearing shows that the territory adjacent to "D" Street and north of The Atchison, Topeka and Santa Fe Railway Company's track has been subdivided into a high class residential district; that several new homes have been built north of the track, and that development will undoubtedly continue in this locality; that "D" Street will serve as a through artery between

the residential district and the main business district of San Bernardino; and that public convenience and necessity require the establishment of this proposed crossing.

Arrowhead Avenue, approximately 500 feet east, and "E" Street, approximately 500 feet west, are parallel to "D" Street and are constructed across the track of The Atchison, Topeka and Santa Fe Railway Company and are now used by the traffic which will hereafter use "D" Street, if constructed across said track.

The corner views at the proposed crossing are clear with the exception of the view at the southeast corner which is somewhat obscured by eucalyptus trees. The proposed approach grade of "D" Street to the south of the Railway Company's track would be approximately 1.5 per cent, while to the north the approach would be level.

The record shows that the daily railroad traffic over the proposed crossing consists of two passenger trains, operating at a speed of approximately twenty seven miles per hour, and two freight trains, operating at a speed of twenty to twenty five miles per hour.

After due consideration of all the evidence presented herein, we conclude that the establishment of the proposed crossing will serve a relatively large number of people; that the crossing will not be a particularly hazardous one, due to the fact that the corner views are clear and that the train movements are few; that the needs of the traveling public will be subserved by the establishment of the proposed crossing; and that public convenience and necessity justify the granting of this application.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusions as set forth in the opinion which precedes this order,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity justify the granting of this application, and

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of San Bernardino, County of San Bernardino, State of California, to construct "D" Street at grade across the track of The Atchison, Topeka and Santa Fe Railway Company at the location as shown by the maps attached to the application.

The above crossing shall be identified as Crossing No.2U-23.7.

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 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.

(2) The crossing shall be constructed of a width not less than forty five (45) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No.3 as specified in General Order No.72 of this Commission; shall be protected by Standard No.1 crossing sign as specified in General Order No.75 of this Commission; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) The eucalyptus trees located along the roadway in the southeast corner of said crossing shall be removed or trimmed so as to provide a clear view for one hundred fifty (150) feet east of said crossing from a point one hundred (100) feet south of said track.

(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 11th day of March, 1929.

Thomas D. Larkin

C. C. Jones

Edward J. St. John

Leon Whitell

M. D. Carr
COMMISSIONERS.