

Decision No. 21261

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 the con-  
struction of a grade crossing at  
Massachusetts Avenue.

Application No. 15388.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The City Council of the City of San Bernardino, County of San Bernardino, State of California, filed the above entitled application with this Commission on the 11th day of February, 1929, asking for authority to construct a public street known as Massachusetts Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, in the City of San Bernardino, as hereinafter set forth. 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 City Council of the City of San Bernardino, County of San Bernardino, State of California, to construct Massachusetts Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the location as

shown by the map (Sheet No. 2) attached to the application.

The above crossing shall be identified as Crossing No. 2-79.0.

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 thirty (30) feet and at an angle of approximately fifty-one (51) 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. 3 as specified in General Order No. 72 of this Commission; shall be protected by at least one (1) 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) Two Standard No. 3 wig-wags as specified in General Order No. 75 of this Commission shall be installed and maintained for the protection of said Crossing No. 2-79.0. The cost of installation shall be borne by applicant. The cost of maintenance

shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(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 22<sup>nd</sup> day of June, 1929.

David D. Lottis

Al. Lewis

Leon Whitely

M. J. Carr  
Commissioners.