

ORIGINALDecision No. 21587.

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 Atch-
ison, Topeka and Santa Fe Railway,
in the Vicinity of DEVORE, San
Bernardino County, State of Cali-
fornia.

Application No. 15594.

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of San Bernardino, State of California, filed the above entitled application with this Commission on the 9th day of May, 1929, asking for authority to construct a public road known as a County Road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of the Town of Devore. An amendment to this application was filed August 15th, 1929, requesting that proposed crossing be made at right angles. 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, provided the present County Road crossing located one-half mile southeast of proposed crossing is abandoned, 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 County 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 (Sketch showing proposed Crossing of County Highway over The Atchison, Topeka and Santa Fe Railway near Devore, San Bernardino County) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point on the center line of the westbound main line track of The A.T. & S.F. railway, which point bears north $58^{\circ} 38'$ west a distance of 30 feet from Engineer's station 697 + 07 of said railway, which point is at the intersection of the center line of said westbound main line track with the center line of the proposed road crossing; thence north $31^{\circ} 22'$ east a distance of 50 feet to the easterly right of way line of said railway; thence south $58^{\circ} 38'$ east along the easterly right of way line of said railway right of way, a distance of 60 feet; thence south $31^{\circ} 22'$ west, a distance of 150 feet to the westerly right of way line of said railway; thence north $58^{\circ} 38'$ west along said westerly right of way line of said railway a distance of 60 feet; thence north $31^{\circ} 22'$ east, a distance of 100 feet to the point of beginning.

The above crossing shall be identified as Crossing No. 2-69.4.

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

(1) If and when said crossing No. 2-69.4 herein authorized is constructed and opened to public use and travel, the existing grade crossing No. 2-69.9, located one-half mile southwesterly from the said crossing authorized herein, shall be legally abandoned and effectively closed to public use and travel.

(2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of those portions 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.

(3) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) 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 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.

(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 18th day of September, 1929.

Thos D. Louder

Leon Whitall

M. J. Lee

Commissioners.