

Decision No. 21726.

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 Helendale, San Bernardino County, State of California.

ORIGINAL

Application No. 15,595.

James L. King, Deputy District Attorney,
for Applicant.

M. W. Reed, for the Atchison, Topeka and
Santa Fe Railway Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding the Board of Supervisors of San Bernardino County has petitioned the Railroad Commission for an order authorizing the construction of a county road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company.

A public hearing on the application was conducted by Examiner Satterwhite at Helendale on September 3rd, 1929, at which time the matter was taken under submission.

The proposed crossing is located along the East and West center line of Section 6, T 7 N, R 4 W, S. B. B. & M.

The Railway Company does not oppose the granting of this crossing provided the present public road crossing located approximately one-half (1/2) mile north therefrom is closed to traffic. There was no opposition to the closing of this crossing which was installed during the early part of 1929 by authority of this Commission, Decision No. 3910, issued in 1916. Previous to the time this

crossing was opened as a public crossing a private crossing existed at this location which was provided with farm gates; the approach grades were only about 8 feet in width.

The proposed crossing would directly serve one family living on and operating a ranch on the west side of tracks and east of river and in addition it would allow better access to several other ranches. This proposed crossing if constructed would form a link in a connection between the State Highway on the east and Hinckley Road on the west, crossing the Mojave River at a desirable location.

The proposed crossing would provide a direct access to the State Highway from property west of the railroad which now has to use a trail over private property. No opposition developed to granting this proposed crossing or to the closing of the existing one referred to above, and it appears that there is a necessity for a convenient public crossing over the railroad to allow free ingress and egress to the State Highway for the several small ranches located between the west side of railroad and the east side of the Mojave River.

After carefully considering the evidence in this case, it appears that the application should be granted.

O R D E R

The Board of Supervisors of the County of San Bernardino, having made application for permission to construct a public highway at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, 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 A. T. & S. F. R. R. near Helendale, San Bernardino County) attached to the application.

DESCRIPTION OF CROSSING

A portion of Section Six (6), Township Seven North (7N), Range Four West (4W), SAN BERNARDINO BASE AND MERIDIAN, the exterior boundaries of which are described as follows:

Beginning at a point on the center line of the right of way of the Atchison, Topeka and Santa Fe Railway, which point bears South $11^{\circ}40'$ West, a distance of 30.66 feet from engineers station 1187 plus 55.3 of said Railway, which point is the intersection of the center line of said Railway right-of-way with the East and West center line of Section 6, Township 7 North, Range 4 West; thence South $89^{\circ}47'$ West a distance of 102.19 feet to the Westerly right-of-way line of said railway; thence North $11^{\circ}40'$ East along said Westerly right-of-way line a distance of 61.31 feet; thence North $89^{\circ}47'$ East a distance of 204.38 feet to the Easterly right-of-way line of said Railway; thence South $11^{\circ}40'$ West along the Easterly right-of-way line of said Railway a distance of 61.31 feet; thence South $89^{\circ}47'$ West a distance of 102.19 feet to the point of beginning.

The above crossing shall be identified as Crossing

No. 2-22.5.

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 crossings 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 of seventy-eight (78) 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.

(3) If and when said crossing No. 2-22.5 herein authorized is constructed and opened to public use and travel, the existing grade crossing No. 2-22.0, located approximately one-half (1/2) mile north of the said crossing authorized herein, 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 28th day of October, 1929.

Thos S. Lott
C. J. Seaver
Edward J. ...
Leon ...
M. J. ...

Commissioners