

Decision No. 21225

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 )  
Mentone, San Bernardino County, )  
State of California. )

Application No. 16081

BY THE COMMISSION:

ORDER

**ORIGINAL**

The Board of Supervisors of the County of San Bernardino, State of California, filed the above entitled application with this Commission on the 12th day of November, 1929, asking for authority to construct a public street known as San Bernardino Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of the Town of Mentone 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 track 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 San Bernardino Avenue at grade across the track 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

A parcel of land eighty (80) feet in width across the 100 foot right of way of the Atchison, Topeka and Santa Fe Railway, being forty (40) feet on either side of the center line of San Bernardino Avenue, sometimes known as Saratoga Avenue, as shown on Map of Mentone Townsite, recorded in Book 6 of Maps, page 35, Records of San Bernardino County, as said center line intersects the center line of the right of way of the Atchison, Topeka and Santa Fe Railway at Engineers Station 684 + 76.9

The above crossing shall be identified as Crossing No.

2U-12.5.

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 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 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 of approximately ninety (90) degrees to the railroad and with grades of approach not greater than five (5) 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 two Standard No.1 crossing signs 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 existing publicly used crossing, sometimes known

as Brighton Avenue, located approximately two thousand (2,000) feet south of the crossing authorized herein shall be legally abandoned insofar as the County of San Bernardino has power so to do and shall be 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 13<sup>th</sup> day of December, 1929.

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*Al Deane*  
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*Ernest*  
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*Leon Whiteley*

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Commissioners