

Decision No. 22356.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
 the COUNTY OF SAN BERNARDINO for per-
 mission to construct a crossing at
 grade over The Atchison, Topeka and
 Santa Fe Railway at Beech Avenue, in
 the vicinity of Fontana, San Bernar-
 dino County, State of California.

Application 16411.

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of San Bernardino of the State of California, filed the above entitled application with this Commission on the 31st day of March, 1930, asking for authority to construct a public road known as Beech Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of the Town of Fontana, as hereinafter set forth. Said Railway 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 of the State of California, to con-

struct Beech Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company at the location herein-after particularly described and as shown by the map (425-420) attached to the application.

Description of Crossing

Beginning at a point on the center line of the right of way of the A.T. & S.F. Ry. north $88^{\circ}21'$ East 1664 feet from the mile post #91, said mile post being shown on the right of way map as engineer's station 520 plus 12.92, said point of beginning being south $88^{\circ}21'$ west 30 feet from the intersection of the said center line of said A.T. & S.F. Ry. with the center line of Beech Avenue, as shown on tract #2102 recorded in map book 32, page 31, records of San Bernardino County; thence north $8^{\circ}38' 30''$ west 50.35 feet to a point on the north right of way line of said railroad; thence north $88^{\circ} 21'$ east along the said north right of way line of said railway, 60 feet; thence south $8^{\circ}38' 30''$ east 100.7 feet to a point on the south right of way line of said railway; thence south $88^{\circ} 21'$ west along the said south right of way line of said railway, 60 feet; thence north $8^{\circ}38'30''$ west 50.35 feet to the point of beginning.

The above crossing shall be identified as Crossing No. 2-90.6.

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 said Railway.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90)

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. 2 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 3 wigwag 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 public crossing of Beech Street, located approximately four hundred and fifty six (456) feet east of the proposed crossing, shall be legally abandoned and effectively closed to public use and travel at the time the crossing herein authorized is opened to public use.

(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 22nd day of April, 1930.

O. S. Loney
Leon White
James W. Smith

Commissioners.