

Decision No. 22991

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
CITY OF NEWPORT BEACH, a municipal cor-
poration of the sixth class, for an order
granting permission to construct a grade
crossing at 28th Street and Central
Avenue in the City of Newport Beach.

ORIGINAL
APPLICATION NO. 16845

BY THE COMMISSION:

ORDER

The City Council of the City of Newport Beach, County of Orange, State of California, filed the above entitled application with this Commission on the 25th day of August, 1930, asking for authority to construct a public street known as 28th Street, at grade across the tracks of Pacific Electric Railway Company, in the said City of Newport Beach, as hereinafter set forth. Said Pacific Electric Railway Company has signified by letter, under date of September 18, 1930, 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 Newport Beach, County of Orange, State of California, to construct 28th Street at grade across the tracks of Pacific Electric Railway

Company, at the location more particularly described in the application and as shown by the maps (Exhibit "C") attached to the application.

The above crossing shall be identified as Crossing No. 6E-37.58.

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 Pacific Electric 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 Pacific Electric Railway Company.

(2) The crossing shall be constructed of a width not less than thirty-four (34) feet and at an angle of ninety degrees (90°) to the railroad, and with grades of approach not greater than five per cent (5%); shall be constructed equal or superior to Standard No. 3, 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) Said crossing shall not be opened to public use until applicant shall, by proper authority, cause to be erected in the northeasterly corner of said crossing, an appropriate sign requiring all westbound vehicles to stop before passing over said crossing.

Said sign shall be located and illuminated at night so as to be easily visible by motorists approaching said crossing. Said sign shall be installed and maintained by applicant.

(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 23rd day of October, 1930:

Chas. E. Sawyer

Leon Whitehill
Thos. E. Lantieri

Commissioners.