

Decision No. 23982

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 tracks of the)
 Union Pacific Railway, in the vic-)
 inity of Harvard, San Bernardino)
 County, State of California.)

APPLICATION NO. 17484

ORIGINAL

BY THE COMMISSION.

ORDER

The Board of Supervisors of the County of San Bernardino, State of California, on June 25, 1931, applied for authority to construct a public road, known as Newberry-Harvard Road, at grade across the track of the Los Angeles & Salt Lake Railroad Company, in the vicinity of the Station of Harvard. The Los Angeles & Salt Lake Railroad Company, on July 3, 1931, signified, in writing, that it has no objection to the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practical at this time to provide a grade separation, or to avoid a grade crossing with said track at the point mentioned, and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Bernardino, State of California, is hereby authorized to construct Newberry-Harvard Road at grade across the track of the Los Angeles & Salt Lake Railroad Company, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions, and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 3-174.3.

- (2) 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 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 Los Angeles & Salt Lake Railroad Company.
- (3) The crossing shall be constructed of a width of not less than twenty (20) feet, and at an angle of approximately sixty (60) degrees to the railroad, and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, the County of San Bernardino shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing in the vicinity of Harvard Station and identified as Crossing No. 3-173.3. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 3-173.3 shall be legally abandoned and effectively closed to public use and travel.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing, and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (7) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 24th day of

August, 1931.

Leon A. Williams

M. B. Hayes
Fred G. Stearns
 Commissioners.